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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 758/2022**

PARUL AGGARWAL AND ANR

..... Plaintiff

Through: Ms. Stuti Gupta, Mr. Prabhav
Ralli, Advocates.

versus

ASHOK AGGARWAL AND ORS.

..... Defendants

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.12.2022

I.As. 20403/2022 & 20404/2022 (for exemption)

The applications for exemption are allowed, subject to the plaintiffs granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

The applications stand disposed of.

I.A. 20402/2022 (Application seeking permission to file electronic record and the English version of the transcript)

For the reasons stated, the application is allowed.

The application stands disposed of.

CS(OS) 758/2022

1. The plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee.



2. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.
3. The plaintiff is at liberty to file replications thereto within fifteen days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.
4. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
5. Any party seeking inspection of documents may do so, in accordance with the Delhi High Court (Original Side) Rules, 2018.
6. List before the Joint Registrar for marking of exhibits on 12.01.2023.
7. List before the Court on 09.12.2022.

I.A. 20401/2022 (under Order XXXIX Rule 1 and 2 read with Section 151 of CPC for ad-interim ex-parte stay)

1. This suit and captioned applications have been listed today by way of a supplementary list, pursuant to urgent mentioning before the Hon'ble Judge-in-Charge (Original Side).
2. The plaintiffs have filed the captioned suit against the defendant Nos. 1 to 5 *inter alia* seeking an injunction against directly or indirectly publishing, republishing, posting, uploading, forwarding, speaking, writing or sending any existing or future derogatory/defamatory



statements, articles, videos etc against the plaintiffs and their family members.

3. The plaintiff No. 1 is the daughter-in-law of the defendants Nos. 1 and 2, and the sister-in-law of defendant Nos. 3 and 4. The plaintiff No. 2 is the husband of the sister of the plaintiff No. 1.

4. The cause of action in this suit arises from circulation of a video apparently recording an interview between a television channel [impleaded in the suit as the defendant No. 5] and the defendant No. 1. The transcript of the interview has been reproduced in paragraph 30 of the plaint. It concerns the death of the son of the defendant No. 1 [husband of the plaintiff No. 1] in April, 2021.

5. It is the contention of the plaintiffs that the deceased husband of the plaintiff No. 1 contracted COVID-19 in the second wave of the pandemic. He was admitted to Kailash Hospital, Greater Noida, Uttar Pradesh, where he succumbed to the disease on 27.04.2021. The plaintiffs have placed on record documents to show that the deceased tested positive for COVID-19 on 13.04.2021 and 21.04.2021, and a death summary issued by Kailash Hospital dated 27.04.2021 which records that the deceased was diagnosed with *“B/L Viral Pneumonitis with Type I Respiratory Failure with MODS with COVID-19 Positive”*.

6. However, in the transcript of the interview, which appears at paragraph 30 of the plaint, the defendant No. 1 alleges that the deceased had left his house on 16.04.2021, stating that he was coming back in 15-20 minutes, but the plaintiffs kidnapped him, and admitted him to Kailash Hospital. It is alleged that the deceased was murdered in conspiracy with doctors at the said hospital.



7. The plaintiffs allege that the defendant Nos. 1 and 4 are publishing the video of the interview by forwarding it to relatives, common friends and associates of the parties. The defendant No. 5 has also uploaded the video on its YouTube channel, Facebook page and website. The allegations *prima facie* cause serious injury to the reputation and dignity of the plaintiffs.

8. Having regard to the nature of the allegations made, and the *prima facie* case that the deceased husband of the plaintiff No.1 died of complications arising from COVID-19, as seen from the medical documents and death summary placed on record, I am of the view that the plaintiffs are entitled to a limited *ad interim* order at this stage, restraining the defendant Nos. 1 to 5 from any further publication or forwarding of the video of the interview or from uploading it on any other websites until the next date of hearing. It has also been stated on behalf of the plaintiffs that, as far as they are aware, no criminal proceedings have been instituted at the instance of the defendant No.1 with regard to the circumstances of his son's death. The balance of convenience is also in favour of such relief being granted. I am satisfied that the plaintiffs would suffer irreparable loss and injury if their interests are not protected.

9. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, be made within five days. Ms. Stuti Gupta, learned counsel for the plaintiffs, states that the plaintiff has the mobile telephone numbers of the defendant Nos. 1 to 4. Ms. Gupta also states that she has the e-mail address of the defendant No. 5. She is directed to ensure that a copy of the entire paper book, and of this order, is served upon the defendant Nos. 1 to 4 by WhatsApp, and by email upon the defendant No.



5, by tomorrow. She is also directed to make an attempt to contact the defendants telephonically to inform them that she has forwarded these documents to the defendants.

10. The defendants may apply for vacation, variation or modification of this *ad-interim* order.

11. List on 09.12.2022.

12. A copy of this order also be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

DECEMBER 2, 2022
'Bhupi'