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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 758/2022

PARUL AGGARWAL AND ANR

..... Plaintiffs

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

versus

ASHOK AGGARWAL AND ORS

..... Defendants

Through: Mr. Anshul Srivastava & Mr.
Ishauk Gaur, Advocates for D-1 &
2 alongwith D-1 & 2 in person.
Mr. Sumit Mishra & Mr. Parinay
Gupta, Advocates for D-3 & 4.
Ms. Vidhi Jain, Advocate for Mr.
Kirtiman Singh, CGSC for D-
6/UoI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.02.2023

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

1. By an order dated 02.12.2022, a limited *ad interim* order was
passed to the following effect:-

“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."

2. By a further order dated 15.12.2022, it was recorded as follows:-

"2. It is stated on behalf of defendant Nos. 1 and 2 that they will not forward or upload the interview of defendant No. 1 with defendant No.5- NDTV Bharat Media Pvt. Ltd. ["NTDV Bharat"], to anyone in future. They also undertake not to make similar statements regarding the plaintiffs in future. Mr. Garg states that, although there are certain civil litigations and criminal proceedings already filed by the parties against each other, none of those relate to the allegations made in the interview, which is the subject matter of the present suit. As far as the said interview is concerned, defendant Nos. 1 and 2 have no objection to the video being taken down by NDTV Bharat.

3. NDTV Bharat has been served in advance and pursuant to the orders of this Court. Ms. Stuti Gupta, learned counsel for the plaintiffs, has also filed an affidavit of service dated 14.12.2022, which contains screenshots of a WhatsApp chat between her and a representative of NDTV Bharat. The contents of the communication show that Ms. Gupta has informed NDTV Bharat of the pendency of the present proceedings and the next date of hearing. It appears that NDTV Bharat is, therefore, aware of the fact that this application is pending against it and of the date of hearing, but has chosen not to appear. In fact, the representative of NDTV Bharat has specifically asked for a copy of the order dated 09.12.2022, but his main concern appears to be with any "news" that the advocate may be able to provide.

4. The undertaking given by the defendant Nos. 1 and 2 is accepted. In view of the fact that NDTV Bharat has not appeared to controvert the contents of the application, NDTV Bharat is also directed to take down the video of the interview with defendant No. 1 from YouTube and any other social media platform, as well as from its own website within three days from date of service of this order and file an affidavit of compliance within two weeks thereafter."

3. Although parties were referred to mediation by the order dated 15.12.2022, I am informed that mediation proceedings have not been



successful.

4. Defendant Nos. 1 and 2 are present in Court. Learned counsel for the defendant Nos. 1 to 4 undertake that the said defendants will not forward the interview of defendant No. 1 with defendant No. 5 to any other person in the future, or upload the said interview anywhere on the internet. They also undertake not to make similar statements, as made in the interview, against the plaintiffs in the future. Undertaking of the said defendants to this effect be filed within two weeks.

5. By the order dated 15.12.2022, defendant No. 5 was directed to take down the video of the said interview from its YouTube channel and any other social media platform, as well as from on its own website. Ms. Stuti Gupta, learned counsel for the plaintiff, states that the order has been complied with by the said defendant also.

6. In view of the above, this application is disposed of making the *ad interim* orders dated 02.12.2022 and 15.12.2022 absolute.

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List before the Joint Registrar for completion of service, pleadings, and marking of exhibits on 13.04.2023.

List before the Court on 18.07.2023.

PRATEEK JALAN, J

FEBRUARY 21, 2023

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