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

+ **CS(OS) 632/2024 & I.A. 36026-36028/2024**

SHAZIA ILMI

.....Plaintiff

Through: Ms. Natasha Garg, Mr. Thakur Ankit Singh and Mr. Anjit Dwivedi, Advocates

versus

RAJDEEP SARDESAI & ORS.

.....Defendants

Through: Dr. Hrishikesh Baruah and Mr. Anurag Mishra, Advocates for D-1 and D-2.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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13.08.2024

CS(OS) 632/2024 and I.A. 36026/2024(Application on behalf of plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 of the Code of Civil Procedure, 1908 seeking ex parte ad interim temporary injunction against the defendants)

1. This Court has heard arguments in part and also perused the videos filed by the defendant no. 2 with respect to the incident dated 27.07.2024, which occurred after the plaintiff had left the show being telecast by defendant no. 2. The defendant no. 2 has filed the videos and numbered the same as video no. 1 to video no. 4. The relevant video referred to during arguments is video no. 3 and video no. 4.

2. Learned counsel for the defendant nos. 1 and 2 states that defendant



no. 2 has not uploaded the impugned video on any social media platform. He states that impugned video has only been uploaded by defendant no. 1 on his social media account. He states that the custody of the impugned video is with defendant no. 2. He states that he is unable to state that in what circumstances, the video was made available to defendant no. 1 for use and uploading on the social media account of defendant no.1 and also whether the use of the video by defendant no. 1 has been authorized by defendant no.2. He seeks time to take instructions.

3. Mr. Jagannath, cameraman is impleaded as defendant no. 12. The defendant no. 12 shall provide his details to the plaintiff within 24 hours. The plaintiff is directed to file an amended memo of parties within two (2) days.

4. The plaintiff and defendant nos. 1, 2 and 12 are both directed to place the transcript of video no. 3 filed by defendant no. 2 on record, before the next date of hearing.

5. In the interregnum, in view of request of adjournment made by the defendant nos. 1 and 2, defendant no. 1 is directed to forthwith take down the video posted on his Twitter/X account until the disposal of this application. In case, defendant no. 1 fails to take down the video within 24 hours, the plaintiff is directed to inform defendant no. 3/X to temporarily block the said post; upon receiving request from the plaintiff defendant no. 3/X will act upon the same within 24 hours

6. Defendant nos. 6 to 10 as well are directed to forthwith take down the impugned video from their social media platform handles and their websites until the final disposal of this application.

7. The defendant no. 6 has uploaded the impugned video on the social



media platform of defendant no. 5. Defendant no. 6 is directed to forthwith take down the impugned video within 24 hours. It is directed that if defendant no. 6 fails to act upon this direction, the defendant no. 5 will temporarily block the impugned video from their social media platform until the final disposal of the present application.

8. Defendant no. 4/Instagram is also directed to take down the impugned video uploaded on its social media platform from the handle listed at page no. 127 of the documents folder within 24 hours. The plaintiff will inform defendant no. 4 in writing with respect to the said handle.

9. Learned counsel for the defendant nos. 1, 2 and 12 seek leave to file their reply to I.A. 36026/2024 within two (2) days, with an advance service to the plaintiff. It is ordered accordingly.

10. The aforesaid direction for taking down the impugned video has been necessitated as learned counsel for the defendant no. 2 has stated that the custody of the original recording impugned video is with defendant no. 2 and the counsel is unable to state that whether the use of impugned video by defendant no. 1 was authorized by defendant no. 2 or not. Further, this Court is also of the opinion that since video no. 3 was recorded after the plaintiff had walked out from the show televised by defendant no. 2, the events that transpired thereafter was a matter entirely between the plaintiff and defendant no. 12 in the confines of the home of the plaintiff and the defendant nos. 2 and 12 have to address arguments on their right to record the plaintiff in the privacy of her home after she had walked out from the programme. This Court would like to hear defendant nos. 1, 2 and 12 submissions on this aspect.



11. List on 16.08.2024.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

AUGUST 13, 2024/hp/sk

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)