



\$~44

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

+ **CS(COMM) 1373/2025**

**ABHINAY SHARMA & ANR.**

**.....Plaintiffs**

Through: Mr. Gauhar Mirza, Mr. Kaveesh Nair  
and Mr. Arnav Chopra, Advocates.

versus

**JOHN DOE / ASHOK KUMAR AND ORS. ....Defendants**

Through: Mr. Varun Pathak, Mr. Vishesh  
Sharma, Mr. Vishwajeet Deshmukh and Ms.  
Komal Pathak, Advocates for D-3.

Mr. Ankit Parhar and Ms. Tanish Gupta,  
Advocates for D-4.

Mr. Aditya Gupta, Advocate for D-5.

Mr. Mukul Singh, CGSC with Mr. Aryan Dhaka  
and Ms. Sunidhi Tyagi, Advocates for D-6 & D-7.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

**%**

**06.07.2026**

**I.A. 16912/2026**

1. This application is filed on behalf of the Plaintiffs under Section 79(3) of the Information Technology Act, 2000 ('2000 Act') read with Rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and Section 151 CPC for declaring that Defendant No. 3 has forfeited its safe harbor protection under Section 79 of the 2000 Act by reason of its failure to remove or disable access to the impugned social media posts despite having received actual knowledge thereof.

2. Issue notice.



3. Mr. Varun Pathak, learned counsel accepts notice on behalf of Defendant No. 3.
4. Defendant No. 3 shall file a detailed reply to the application within two weeks from today.
5. Rejoinder, if any, be filed before the next date.
6. List on 27.07.2026, the date already fixed.

**JYOTI SINGH, J**

**JULY 6, 2026/RW**