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

+ CS(OS) 540/2024

DHANYA RAJENDRAN & ANR.Plaintiffs

Through: Mr. Raj Shekhar Rao, Sr. Advocate
with Ms. Aashna Chawla, Ms. Shreya
Singhal, Mr Panveer Oberoi, Ms.
Mhasilendo Kreditsu, Ms Bani
Dikshit, Mr. Nipun Katyal and Mr.
Udhav Khanna, Advocates.

versus

GALAXY ZOOM INDIA OVT LTD & ORS.Defendants

Through: Mr. Aditya Gupta, Advocate for D-5.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.07.2024

I.A. 33222/2024 (under Section 151 CPC by the plaintiff seeking exemption from filing original / certified / typed copies of the documents and affidavits under Section 63 of the Bhartiya Sakshya Adhinyam,2023)

1. This is an application seeking exemption from filing original documents as well as an affidavit in respect of the electronic evidence / documents under Section 63 of the Bhartiya Sakshya Adhinyam, 2023. It is prayed in the application that the plaintiffs shall file the affidavit within 2 weeks.
2. Original documents shall be produced/filed, if sought, strictly as per the provisions of DHC (Original Side) Rules, 2018.
3. Let the affidavit under Section 63 of the Bhartiya Sakshya



Adhiniyam, 2023, be filed in accordance with law within a period of two weeks.

4. The application is allowed and stands disposed of, subject to all just exceptions.

I.A. 33221/2024 (filed by plaintiff under Section 151 CPC for placing on record Pen Drive containing the defamatory posts and publications)

5. For the reasons mentioned in the application, it is allowed. The registry is accordingly directed to take on record the said pen drive.

6. The application stands disposed of.

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7. The plaint be registered as a suit.

8. On filing of process fee, summons be issued to the defendants by all permissible modes.

9. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.

10. The plaintiffs are at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

11. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

12. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

13. List before the learned Joint Registrar for completion of service,



pleadings, admission/denial of documents and marking of exhibits on 24.09.2024.

14. List before the Court on 23.10.2024.

I.A. 33220/2024 (under Order XXXIX Rule 1 and 2 read with Section 151 CPC by the plaintiffs)

15. Issue notice to the defendants by all permissible modes.

16. The plaintiffs have filed the present suit praying, *inter alia*, for mandatory and permanent injunction against defendant no. 1 to 3, to take down / remove various false and defamatory, malicious and unsubstantiated articles and videos containing allegations which have been made against the plaintiffs with the intention to malign the plaintiffs' reputation, and further to prohibit publication / re-publication / sharing of any further material of similar nature against the plaintiffs.

17. It is the case of the plaintiffs and so contended by Mr. Rajshekhar Rao, learned senior counsel appearing for the plaintiffs that plaintiff no.1 is a journalist of a repute. Over the last 20 years, the plaintiff no. 1 has earned various national and international awards and accolades for her journalism. In 2013, the plaintiff no. 1 founded "The News Minute" a digital news platform based in Bangalore, Karnataka, wherein, the plaintiff no. 1 is the co-founder and Editor-in-Chief. He submits that the plaintiff no. 1 was conferred the India's best Entrepreneurs in Fortune Magazine's 40 under 40. The plaintiff no.1 was also awarded 'Namma Bengaluru Media Person of the Year' in 2017 and as such, the plaintiff no.1, is a leading journalist in India. It is further contended that the plaintiff no. 1 has hosted various programmes and has a very high reputation.

18. He submits that the plaintiff no. 2 is a company registered under the



Companies Act, 2013 and a voluntary association of over 100 digital media organisations and independent journalists, aimed to help and ensure the creation of healthy and robust news ecosystem for the digital age.

19. He submits that the plaintiff no. 2 is also registered by the Ministry of Information and Broadcasting as a level-II 'Self-Regulatory Body' in terms of Rule 12 of the Information Technology (intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Moreover, the plaintiff no. 2 has fully complied with all statutory regularly compliances and has filed its audited balance sheets and statements before the Registrar of Companies, Delhi.

20. He submits that the plaintiff no. 1, alongwith, other independent media channels partnered with Kerala Media Academy in Kochi hosted a conclave titled "Cutting South 2023" on 25.03.2023. The name Cutting South was based on a play of words of "Cutting Chai" and "Cutting Edge". The said event was sponsored in part by the Canadian Government under a Sponsorship Agreement dated 28.02.2023. The conclave was covered by reputed news outlets such as the Hindu etc. In support of his contention, the learned counsel has invited the attention of the Court to document no.27, appended with the plaint, which is the copy of the brochure of the event 'Cutting Chai' along with the translated copy.

21. It is the submission of Mr. Rao, that the defendant no. 1 runs and operates a news / media channel in the name of '*The Karma News*'. Whereas, the defendant no. 2 runs and operates a news / media channel in the name of '*Janam TV*'. Likewise, the defendant no. 3, runs and operates a news / media newspaper in the name of '*Janambhumi*'.

22. He further submits that between 19.03.2024, 25.03.2024,



27.05.2024, 28.05.2024, 29.05.2024 and till date, the defendant nos. 1-3, have published deceptive, false, malicious, defamatory and distorted posts and articles on their websites as well as their YouTube channels on the defendant no. 5's (YouTube's) web portal in respect of the "Cutting South" event.

23. He refers to document Nos. 18-27, which are the screenshots/transcripts of the alleged defamatory articles/posts and videos, to contend that the videos published and circulated on 'YouTube' and the articles/posts published by the defendant nos. 1 - 3 contained defamatory, malicious and false information and statement against the plaintiff nos. 1 and 2. According to the learned counsel, these videos have been shared numerous times and seen by tens of thousands of viewers.

24. According to Mr. Rao, the words used, insinuations made, as well as the essence of the assertions and allegations made by the defendant nos. 1-3, against the plaintiffs reflect that the defendant nos. 1-3, are making the following allegations against the plaintiffs:

- a. The plaintiffs are agents of an international entity, one Mr. George Soros;
- b. Central investigative agencies found that George Soros gave funds to online media in the country through the plaintiff no. 2, which is headed by the plaintiff no. 1;
- c. The plaintiffs are acting as conduit of foreign money to cause a disruption in India, thereby, insinuating that the plaintiffs are indulging in illegal activities affecting the integrity and security of



the country, which are not only *ex-facie* false, but also unfounded and malicious;

d. The Plaintiffs are seeking to “cut” and “divide” the South (South India).

25. It is his submission that the allegations are not only *ex facie* false but in fact constitute fake news that the defendant nos. 1–3 are deliberately spreading in order to malign the reputation and good will of the plaintiffs. He submits that there is not an iota of truth in the malicious allegations / insinuations made by the defendant nos. 1 - 3. As such, the endeavour of the defendant nos. 1-3, is to distort and destroy the goodwill and reputation of the plaintiffs, without any basis whatsoever.

26. He further submits that the plaintiff no. 2 is a corporate entity and its financials are in the public domain. He invites the attention of the Court to document no.8, which is the balance sheet of the plaintiff no.2 as on 31.03.2023, to contend that the source of revenue as a direct income received by the plaintiff no. 2 is only in the form of Founder Membership Fee and Membership Fee and as far as Foreign Exchange Income of the plaintiff no.2 is concerned, the latter has been received only to an extent of Rs.22,269/- as on 31.03.2022. Insofar as, the financials of the plaintiff no. 1 are concerned, it is the submission of Mr. Rao that the same can be filed in a sealed cover if directed by the Court.

27. He submits that there is no semblance of truth in the statements made in the videos as well as the posts and the same are completely without any basis whatsoever. Moreover, there is neither a single document to support the accusations and allegations made by the defendant nos. 1-3, nor the said defendants have ever bothered to contact the plaintiffs to verify the true



facts.

28. It is his submission that the allegations to the effect that the plaintiffs are in any manner associated with or funded by a person viz., George Soros or in communication with him are false and highly defamatory *per se*.

29. Mr. Rao has also drawn this Court's attention to paragraph 36 of the plaint, wherein, it is stated that the defendant nos. 1– 3 have significant social media presence on the web portal of the defendant no. 5 (YouTube), in view of the following numbers of subscribers, number of videos uploaded as well as total number of views on such videos:

a. defendant no. 1 – about 1.31 million subscribers; uploaded videos 60,769 and 91,20,53,254 views;

b. defendant no. 2 – about 1.11 million subscribers, uploaded videos 1,43,610 and 53,38,78,653 views;

c. defendant no. 3 - about 21,600 subscribers, uploaded videos 1,631 and 2,450,681 views.

30. I have gone through the transcripts of the 'YouTube' videos dated 27.05.2024, 28.05.2024 and 29.05.2024 and the news articles / posts dated 19.03.2024, 27.05.2024 and 28.05.2024. *Prima facie*, I find that there is a substance in the submissions made by Mr. Rao that the alleged videos and posts contains defamatory and libellous allegations and insinuations, made in a reckless manner without regard to the truth, to injure the reputation of the plaintiffs.

31. Illustratively, perusal of a transcript of the post dated 27.05.2024 published by the defendant no.2, shows that the allegations have been made against the plaintiffs that various investigating agencies have found that plaintiff no. 1 has acted as the representative of George Soros, who aims to



create civil conflict in India. It is also alleged that the central agencies have got information regarding anti national activities of the plaintiff no. 1. It is also stated in the said post that according to the Central Agencies, the plaintiff no. 1 is the main intermediary in arranging funds for anti national activities. Whereas, against the plaintiff no.2 it has been alleged that the plaintiff no.2, has taken stand in support of anti-CAA protest, farmers' protest, communal violence in Manipur, Maoist attacks etc.

32. Likewise, perusal of post dated 28.05.2024 also reveals that allegations have been made against the plaintiffs to the effect that as per the defendant no.3's report, intelligence bureau is investigating the plaintiff no.1, one of the alleged Indian representatives of the controversial Hungarian-American billionaire activist George Soros.

33. Similarly, the transcripts of the video dated 27.05.2024 published by the defendant no.1, and the video dated 27.05.2024, published by the defendant no.2 contain allegations on the same lines.

34. At this juncture apt would it be to refer to '*Gatley on Libel and Slander*' (10th Edition), more specifically to para 25.2 thereof, wherein the circumstances have been enumerated under which the Court will grant interim injunction. The said para reads thus:

"Thus the Court will only grant in interim injunction:

(1) the statement is unarguably defamatory;

(2) there are no grounds for concluding the statement may be true;

(3) there is no other defence which might succeed;

(4) there is evidence of an intention to repeat or publish the defamatory statement."



35. Reference may also be had to the judgment of this Court in the case of ***Hanuman Beniwal and Others vs. Vinay Mishra and Others***¹, wherein this Court in paragraph 29 thereof, has also affirmed the aforesaid principles whilst granting relief to the plaintiffs therein, in the following manner:

“29. It has been well recognized that in case of libel and slander, interim injunction may be granted in case (i) the statement is unarguably defamatory; (ii) there are no grounds for concluding that the statement may be true; (iii) there is no other defence which might succeed; and (iv) there is evidence of an intention to repeat or publish the defamatory statement.”

36. A reference to the decision of the Hon’ble Supreme Court in ***Institute of Chartered Accountants of India vs. L.K. Ratna***² can also advantageously be made, wherein in paragraph 18, it was held as under:

“18. But perhaps another way of looking at the matter lies in examining the consequences of the initial order as soon as it is passed. There are cases where an order may cause serious injury as soon as it is made, an injury not capable of being entirely erased when the error is corrected on subsequent appeal. For instance, as in the present case, where a member of a highly respected and publicly trusted profession is found guilty of misconduct and suffers penalty, the damage to his professional reputation can be immediate and far-reaching. “Not all the King's horses and all the King's men” can ever salvage the situation completely, notwithstanding the widest scope provided to an appeal. To many a man, his professional reputation is his most valuable possession. It affects his standing and dignity among his fellow members in the profession, and guarantees the esteem of his clientele. It is often the carefully garnered fruit of a long period of scrupulous,

¹ 2022 SCC OnLine Del 4882.

² (1986) 4 SCC 537.



conscientious and diligent industry. It is the portrait of his professional honour. In a world said to be notorious for its blase attitude towards the noble values of an earlier generation, a man's professional reputation is still his most sensitive pride. In such a case, after the blow suffered by the initial decision, it is difficult to contemplate complete restitution through an appellate decision. Such a case is unlike an action for money or recovery of property, where the execution of the trial decree may be stayed pending appeal, or a successful appeal may result in refund of the money or restitution of the property, with appropriate compensation by way of interest or mesne profits for the period of deprivation. And, therefore, it seems to us, there is manifest need to ensure that there is no breach of fundamental procedure in the original proceeding, and to avoid treating an appeal as an overall substitute for the original proceeding.”

(emphasis supplied)

37. Similarly, a coordinate bench of this court in **Lakshmi Murdeshwar Puri vs. Saket Gokhale**³ held as under:

“29. Reputations, nourished and nurtured over years of selfless service and toil, may crumble in an instant; one thoughtless barb is sufficient. It has been held, by the Supreme Court, that the right to life, consecrated by Article 21 of the Constitution of India, infuses the reputation of the individual. [Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1; Kiran Bedi v. Committee of Inquiry, (1989) 1 SCC 494; Port of Bombay v. Dilipkumar Raghavendranath Nadkarni, (1983) 1 SCC 124] Reputation, it is well settled, precedes the man. In a similar vein, para 18 of the report in Institute of Chartered Accountants of India v. L.K. Ratna [Institute of Chartered Accountants of India v. L.K. Ratna, (1986) 4 SCC 537] observes thus:

³ (2021) 3 HCC (Del) 23.



“For instance, as in the present case, where a member of a highly respected an (sic) publicly trusted profession is found guilty of misconduct and suffers penalty, the damage to his professional reputation can be immediate and far-reaching. ‘Not all the King's horses and all the King's men’ can ever salvage the situation completely, notwithstanding the widest scope provided to an appeal. To many a man, his professional reputation is his most valuable possession. It affects his standing and dignity among his fellow members in the profession, and guarantees the esteem of his clientele. It is often the carefully garnered fruit of a long period of scrupulous, conscientious and diligent industry. It is the portrait of his professional honour. In a world said to be notorious for its blasé attitude towards the noble values of an earlier generation, a man's professional reputation is still his most sensitive pride. In such a case, after the blow suffered by the initial decision, it is difficult to contemplate complete restitution through an appellate decision.”

30. In the age of social media, desecration of the reputation of a public figure has become child's play. All that is needed is the opening of a social media account and, thereafter, the posting of messages on the account. Thousands of responses are received and, in the process, the reputation of the man, who is targeted, becomes mud...”

(emphasis supplied)

38. Yet another coordinate bench of this Court in ***Vinai Kumar Saxena vs. Aam Aadmi Party***⁴ observed as under:

“25. On behalf of the defendants, it has also been vehemently contended that in cases of defamation, so long as some material has been placed on record, the veracity of the allegations can only be tested in trial and the adequate

⁴ (2022) 5 HCC (Del) 662.



remedy would be damages, not interim injunction. I do not agree with the said submission. In appropriate cases where the court is of the view that statements are unsubstantiated and have been made in a reckless manner without regard to the truth, in order to cause injury to the reputation of the plaintiff, the court would be justified in granting an interim injunction. If the aforesaid submission of the defendants is accepted, it would give the defendant a free reign to continue making defamatory statements against the plaintiff and continue to tarnish his reputation. Therefore, the court cannot be powerless in such a situation. After suffering the brunt of such defamatory content, it is difficult to contemplate a complete restitution through damages. Such cases demand immediate injunctive relief and the court cannot wait for the defendants to place their response on record.”

(emphasis supplied)

39. Having noticed the aforesaid *dicta* as well as material on record, I am of the *prima facie* view that the allegations in various posts / videos are not based on any credible and reliable sources for making out a case that the said allegations are true and based on facts. Further, such allegations do not seem to be premised on a public record document such as any criminal case registered or pending against the plaintiff no.1.

40. Therefore, the plaintiffs have made out a case for grant of *ad interim* relief. I am satisfied that grave and irreparable damages will be caused to the plaintiffs, if *ad interim* injunctive orders are not passed in their favour. The balance of convenience also lies in favour of the plaintiffs.

41. Under the aforesaid circumstances, it is deemed appropriate to direct the defendant nos.1–3 to take down / remove / restrict access / block the URLs of the below mentioned posts as well as ‘YouTube’ videos, which



contain defamatory statements against the plaintiffs within a period of ten days:

Posts - URLs

- (i) <https://janmabhumi.in/2024/03/19/3178530/news/india/dollarbo-nds-from-abroad-the-news-minute-and-the-news-laundry-will-getstuck/>
- (ii) <https://janmabhumi.in/2024/05/27/3204217/news/india/ibinvest-igation-against-dhanya-rajendran-representative-of-soros-inindia/>
- (iii) <https://janamtv.com/80869003/>
- (iv) https://hindupost.in/media/george-soross-bharat-agentdhanya-rajendran/?feed_id=17846&_unique_id=6655b989d2113

YouTube – URLs

- (i) <https://www.youtube.com/watch?v=mspdDH-pakE>
- (ii) <https://www.youtube.com/watch?v=7OZ82OICYBQ>
- (iii) <https://www.youtube.com/watch?v=FXmMrwYHsnc>
- (iv) <https://www.youtube.com/watch?v=G36IezVwjXA>
- (v) <https://www.youtube.com/watch?v=6yb3w34U7gg>

42. In the event the defendant nos.1 to 3 fails to take down / remove / restrict access / block the aforementioned URLs within the period of ten days, the plaintiffs shall be at liberty to approach and request the defendant no. 5 (YouTube), and the latter, in that eventuality, shall take down the URLs as mentioned under the heading '**YouTube-URLs**', in paragraph 41 above, within a period of 36 hours of such request.

43. Compliance of Order XXXIX Rule 3 of CPC be made within ten days from the receipt of the copy of this order. Copy of order be also given *dasti* under the signatures of Court Master.



44. The observations made herein are *prima facie* for the consideration of interim relief under Order XXXIX Rules 1 & 2 C.P.C by the plaintiffs.

45. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 24.09.2024.

46. List before the Court on 23.10.2024.

JULY 15, 2024
N.S.ASWAL

VIKAS MAHAJAN, J