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

+ **CS(OS) 495/2024**

RAJAT SHARMA

.....Plaintiff

Through: Mr. Rajiv Nayar, Mr. Sandeep Sethi,
Senior Advocates with Mr. Sudeep
Chaterjee, Mr. Sanyam Suri and Mr.
Partheshwar Singh, Advocates

versus

X CORP & ORS.

.....Defendant

Through: Mr. Rajshekar Rao, Senior Advocate
with Mr. Ankit Parhar, Ms. Shloka
Narayanan, and Mr. Abhishek Kumar,
Advocates for D-1

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

05.07.2024

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I.A. 32450/2024

1. This is an application filed under Order XXXIX Rule 2A of Code of Civil Procedure, 1908 ('CPC') seeking directions against defendant nos. 1, 4, 5 and 6 for disobedience of the injunction order dated 14.06.2024 passed by this Court in I.A. No. 31740/2024.

2. Learned senior counsel for the plaintiff states that the impugned tweets identified by the plaintiff for immediate removal in the injunction order dated 14.06.2022 continue to remain live on the social media platform 'X', as is evident from screenshots filed at Document No. 9, as late as on 03.07.2024. He states that the social media posts forming part of Annexure-1 of the said order which are still accessible have been enlisted at paragraph



16 of the application. He states that the said facts evidence that defendant no. 1, 4, 5 and 6 are in willful non-compliance of the said injunction order.

3. In the first call, learned senior counsel for defendant no. 1 had submitted that defendant no. 1 has complied with the directions in the injunction order, on late evening of 03.07.2024. He states that the defendant no. 1 has complied with the direction from the injunction order inconformity with the applicable intermediary guidelines. At that stage, the matter was passed over at the request of the plaintiff.

4. In the second call, learned senior counsel for the Plaintiff states that the plaintiff has verified that compliance made by defendant No. 1 is partial inasmuch as the viewing of the tweets/social media posts have been disabled within India, however, these tweets/social media posts can be viewed from the territories outside India. He states that this partial compliance by the defendant no. 1 would continue to make them liable for disobedience of the injunction order until the visibility of the tweets are disabled globally. He states that the liability of the social media platforms to comply with the injunction order so as to make the tweets uploaded in India invisible globally has been settled by the Coordinate Bench of this Court in ***Swami Ramdev and Ors. v. Facebook, Inc. and Ors.***¹. He states that since in the facts of the present case, the impugned tweets were uploaded by defendant nos. 4, 5 and 6 from IP addresses within India, the tweets ought to have been disabled by defendant no. 1 on global basis. He relies upon the screenshots of the tweets printed at 13:45 today to submit that the tweets continue to remain visible on the social media platform 'X' to the global users. He states

¹ 263(2019)DLT689: MANU/DE/3436/2019 (at paras 94 and 96.1)



that the plaintiff has a reputation with the overseas users as well and is therefore prejudiced by the continuing visibility of the impugned tweets.

5. In reply, learned senior counsel for the defendant no. 1 states that it appears that plaintiff has accessed the tweets printed 13:45 by using VPN; he confirms that the tweets have been disabled for viewing in India only and would be visible outside India.

6. Issue notice. Learned counsel for defendant no. 1 accepts notice.

7. Issue notice to defendant nos. 4, 5 and 6 by the registry through all modes.

8. Reply, be filed within two weeks of service of notice. Rejoinder be filed within two weeks thereafter.

9. List on 11.07.2024 before Court.

10. List on 22.08.2024 before the Joint Registrar (Judicial) for completion of service and pleadings.

MANMEET PRITAM SINGH ARORA, J

JULY 5, 2024/msh

Click here to check corrigendum, if any