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

% Judgment delivered on: 08.08.2024

+ CS(OS) 623/2024

SH. VENUMBAKA VIJAYA SAI REDDYPlaintiff

Through: Mr Amit Agrawal, Mr Sahil Raveen,
Mr Rahul Kukreja, Ms Sana Jain and
Mr Arjun Chhibbar, Advocates.

versus

AAMODA PUBLICATIONS PRIVATE LIMITED
& ORS.Defendants

Through: Mr Samarth Krishna Luthra and Mr
Chirag Kakkar, Advocates for D-1.
Ms Mamta R. Jha, Mr Rohan Ahuja,
Ms Shruttima Ehersa and Mr Rahul
Choudhary, Advocates for D-8.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J. (ORAL)

I.A. 35700/2024 (under Section 151 CPC by the plaintiff seeking exemption from filing typed copies of the dim documents)

1. Allowed, subject to all just exceptions.

I.A. 35699/2024 (under Order XIII Rule 1 read with Section 151 CPC by the plaintiff seeking exemption from filing original documents)

2. This is an application seeking exemption from filing original documents. Original documents shall be produced / filed, if sought, strictly as per the DHC (Original Side) Rules, 2018.



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3. Allowed, subject to all just exceptions.
4. The application stands disposed of.

I.A. 35697/2024 (under Section 151 CPC by the plaintiff seeking permission to file pen drive containing impugned defamatory videos)

5. The present application has been filed by the plaintiff under Section 151 CPC seeking permission to place on record pen drive containing alleged defamatory videos published by defendant nos. 1 to 6 against the plaintiff.
6. For the reasons stated in the application, the Registry is directed to take on record the pen drive.
7. The application stands disposed of.

I.A. 35698/2024 (under Order XI Rule 1(4) read with Section 151 CPC by the plaintiff to file additional documents)

8. The present application has been filed by plaintiff under Order XI Rule 1(4) read with Section 151 CPC seeking to place on record additional documents.
9. For the reasons stated in the application, the plaintiff is permitted to place on record the additional documents within a period of four weeks from today.
10. The application stands disposed of.

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11. The plaint be registered as a suit.
12. The learned counsel for the defendant nos. 1 and 8, have appeared on advance notice and accept summons on behalf of the said defendants and waive the service of formal summons. They submit that their respective clients have received copy of the plaint, IAs and documents. Let written



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statement be filed by the defendant nos. 1 and 8 within a period of thirty days.

13. Issue summons to other defendants by all permissible modes.

14. Summons shall indicate that the defendants will have to file written statements within thirty days. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

15. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statements. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

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

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

18. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 28.10.2024.

19. List before Court on 25.11.2024.

I.A. 35696/2024 (under Order XXXIX Rules 1 and 2 CPC by the plaintiff)

20. The learned counsel for the defendant nos. 1 and 8, have appeared on advance notice and accept notice on behalf of the said defendants.

21. Issue notice to other remaining defendants by all permissible modes.

22. The plaintiff has filed the present suit praying, *inter alia*, for damages,



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permanent and mandatory injunction against defendant nos. 1 to 6 on the ground that the said defendants have made false, derogatory, scandalous, illegal and defamatory statements against the plaintiff on multiple social media platforms.

23. It is the case of the plaintiff and so contended by Mr Amit Agrawal, learned counsel appearing on behalf of the plaintiff that the plaintiff is a prominent public figure currently serving as a Member of Parliament, Rajya Sabha for Andhra Pradesh. He submits that the plaintiff has been actively involved in various Parliamentary Committees and has introduced several Private Members Bills. The plaintiff was awarded the Sansad Ratna Award in 2023 for his exemplary performance as a Parliamentarian and the Sansad Maharatna Award in 2024 for chairing the Parliamentary Standing Committee on Transport, Tourism and Culture. Thus, it is his submission that the plaintiff is a politician of a repute having impeccable reputation and goodwill amongst the general public at large.

24. He submits that the defendant nos. 1 to 6 are the news channels and digital platforms which have disseminated defamatory and false insinuations against the plaintiff. The defendant no. 1 is 'ABN Andhra Jyothi', operated by Aamoda Publications Private Limited. The defendant no. 2 is known as 'Mahaa News', Part of Mahaa Media Group / Monica Broadcasting Private Limited. The defendant no. 3 is 'TV5 News', run by Shreya Broadcasting Private Limited. The defendant no. 4 is 'BIG TV' run by Pravasa Media LLP. The defendant no. 5 is 'Aadhan – Aadhan Media Private Limited' and the defendant no. 6 is 'Wild Wolf TV' run by Gopala Krishna Ganesh Kumar.



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25. The defendant nos. 7 to 11 are social media platforms, viz. YouTube LLC; Google LLC; Meta Platform Inc.; WhatsApp LLC; and X Corp., respectively. The defendant no. 12 is 'John Doe'/unknown persons, who are alleged to have circulated the defamatory statements against the plaintiff.

26. It is the submission of Mr. Agrawal that on 16.07.2024 the defendant no. 1 broadcasted a program, which was a recorded panel discussion between five persons comprising of one news anchor and four guests / panelists, wherein it was falsely discussed that the plaintiff is engaged in an extra-marital affair with Mrs. X. It was also discussed that Mrs. X was granted exclusive access to restricted areas during the COVID-19 Lockdown and was involved in questionable land transactions with clear and false imputation that significant sums of money were exchanged between the plaintiff, Mrs. X and her husband.

27. He submits that similarly on 17.07.2024, the defendant no. 2 broadcasted a program which was also a recorded discussion between two persons, wherein again insinuations were made stating that the plaintiff is engaged in an extra-marital affair with Mrs. X and that Mrs. X was granted exclusive access to restricted areas during COVID-19 Lockdown.

28. He further submits that likewise on 15.07.2024, the defendant no. 3 broadcasted a program, which was again a panel discussion comprising of two persons i.e., one news anchor and a guest, wherein insinuation was made by the news anchor that the plaintiff shamelessly continues to be a member of Rajya Sabha despite being rejected by people of Nellore and that the plaintiff should undergo a DNA test to prove his innocence.

29. It is Mr. Agrawal's submission that on 18.07.2024, the defendant



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no. 4 also broadcasted a program whereby an interview was taken of Mrs. X by a news anchor over phone in which insinuations and defamatory statements were made against the plaintiff to the effect that the plaintiff would die within next 10 years and that his property would be claimed by others. He submits that earlier also on 14.07.2024 the defendant no. 3, on 15.07.2024 the defendant no. 2, and on 13.07.2024 the defendant no. 1, had broadcasted their programs wherein similar kind of insinuations and defamatory statements were made against the plaintiff.

30. It is the case of Mr. Agrawal that on 14.07.2024 the defendant no. 5 also broadcasted a panel discussion wherein penalists made defamatory statements against the plaintiff, inasmuch as, it was stated that the plaintiff is responsible for impregnating a Government officer and that the plaintiff is involved in various scandals, narcotics incidents and liquor scams.

31. Likewise, on 20.07.2024, a news program broadcasted by defendant no. 6 also aired dishonest and vexatious interview without verifying the baseless allegations against the plaintiff, wherein the person who was interviewed stated that the plaintiff is occupying a luxurious five Star Hotel wherein a lady stays alone. It was also stated that while travelling to Visakhapatnam no police is allowed to stop that lady's car. It was further stated that the lady has become pregnant and delivered a child and thus, the plaintiff's wrongdoings would be eventually exposed.

32. It is the submission of Mr. Agrawal that programs broadcasted by the defendant nos. 1 to 6 are not live panel discussion or press conferences, rather the same are broadcast of recorded programs in which the anchor is seen prompting or trying to elicit from the panelist(s) insinuations and



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defamatory statements against the petitioner. He submits the broadcast of recorded program has been done without editing the same, purposely to tarnish and cause injury to the reputation of the plaintiff. He submits that the statements are not only *per se* defamatory but false and illegal and have been made to falsely suggest that the plaintiff is engaged in immoral and unethical conduct. He further submits that such statements whereby it has been alleged that the plaintiff is the father of the child of Mrs. X are *ex facie* false inasmuch as in some of the aired programs, Mrs. X has herself denied any element of truth in the aforesaid statements.

33. As per Mr. Agrawal such statements being made and aired publically not only violate the plaintiff's right to have reputation as enshrined under Article 21 of the Constitution of India, but the same has caused extreme mental agony and distress to the plaintiff as well as his family members.

34. Mr. Agrawal further submits that the programs in which the defamatory statements have been made against the plaintiff are being disseminated by the defendant nos. 1 to 6 not only through their broadcasting networks but also through defendant nos. 7 to 11 media platforms. It is his submission that professionally, the defamatory statements have led to significant setbacks to the plaintiff. Such statements have also strained the plaintiff's relationship with his colleagues and officials and created an environment of suspicion and doubt amongst the general public and thus he prays for an *ex-parte ad interim* order of injunction be passed against the defendant nos. 1 to 6 to immediately take down / delete the offending videos / posts. Moreover, a prayer has been sought against the said defendants from further publication of defamatory contents in any form.



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35. Mr. Agrawal has also brought the attention of this Court to an *ad interim* injunction order dated 26.07.2024 passed by the learned Additional Chief Judge, City Civil Court, Hyderabad in I.A. 1067/2024 in OS No. 336/2024 in favour of Mrs. X, whereby the learned Judge has enjoined the defendants therein from broadcasting any information or identity, name, pictures of Mrs. X in any manner, in any form of the media platforms and also not to make any further publication, circulation in any manner in any media platforms relating to Mrs. X without her prior written consent, which are in the nature of affecting the privacy and dignity of Mrs. X till 13.08.2024. The order dated 26.07.2024 is handed over in the Court, the same is taken on record. Liberty is granted to the plaintiff to file the said order in the Registry under the cover of an index.

36. Mr Samarth Krishna Luthra, the learned counsel for the defendant no.1 submits that no allegation of defamation could be levelled against the news channel when it is broadcasting live press conference. He submits that balance has to be struck between the right to privacy and the freedom of press. He places reliance on the decision of *Bloomberg Television Production Services India vs. Zee Entertainment Enterprises Limited, 2024 SCC OnLine SC 426*.

ANALYSIS

37. I have heard the learned counsel for the plaintiff as well as defendant nos. 1 and 8 and have perused the material on record.

38. Illustratively, perusal of the transcript of a video dated 15.07.2024 of the defendant no. 2 which is available on YouTube/defendant no. 7, reveals that the said video is a recorded penal discussion between three persons



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wherein statements have been exchanged that: the plaintiff *has sent the husband of Mrs. X abroad* while retaining Mrs. X in India; it is also stated that Mrs. X has become pregnant and delivered a child *leading to today's rumours*; it is further stated that Mrs. X is from Rayalaseema Zone but was posted to Vishakhapatnam, *a move orchestrated by the plaintiff* and the latter has *played a key role in Mrs. X's selection and transfer to Vishakhapatnam.*

39. Similarly, perusal of transcript of video dated 13.07.2024 of the defendant no. 1 reveals that the anchor of the news channel is making statements: that *there are ongoing concerns and rumours in various circles; the affairs of the plaintiff have become a major sensation in Andhra Pradesh; Mrs. X the Assistant Commissioner of the Endowment Department became pregnant leading her husband to file a complaint with the officials which has caused an uproar; while he was abroad his wife became pregnant and he has alleged that the plaintiff is responsible.*

40. Likewise, perusal of the transcript of the video dated 14.07.2024 of the defendant no. 5 shows that statements were made by the news anchor that: *negativity is coming back to plaintiff, one incident at a time, subjecting the plaintiff to defamation; today a serious accusation has been levelled against the plaintiff; he is alleged to have caused a government officer to become pregnant; an important official in the Endowment Department was allegedly made pregnant by him and he is claimed to be the father of the child growing in her womb; we have been following this story since morning observing how plaintiff is facing public scrutiny and defamation. It is clear that the negative actions plaintiff has taken in the past are now coming back*



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to haunt him; “So, what exactly are plaintiff’s “leelas” or affairs?...”

41. Similarly, the transcripts of video dated 20.07.2024 of the defendant no. 6; the video dated 16.07.2024 (of defendant no. 1), the video dated 17.07.2024 (by defendant no. 2), the video dated 15.07.2024 (of defendant no. 3), the videos dated 18.07.2024 and 14.07.2024 (of defendant no. 4) also reveal that the similar statements as highlighted in paragraphs 38, 39 and 40 above, have been made by the said defendants.

42. I have also gone through the screenshot of the news articles which are stated to exist on the defendant no. 8’s / ‘Google’ web portal and have been appended with the plaint at document nos. 20 and 21, screenshots of videos uploaded on ‘Facebook’ / defendant no.9 (‘Meta Platforms, Inc’) appended at document no.22, as well as various posts published by unknown persons / *John Doe* on ‘X’ / defendant no.11, screenshots of which are appended with plaint at document no.23. The same also contains statements on similar lines as outlined in paragraphs 38, 39 and 40 above.

43. Having considered the submissions made Mr. Agrawal as well as material on record, I am of the *prima facie* view that there is substance in the submissions made by Mr. Agrawal that the alleged videos and posts contain defamatory and libellous allegations and insinuations, made in reckless manner without regard to the truth, to injure the reputation of the plaintiff. This court has reached the above conclusion after perusal of statements as highlighted in paragraphs 38, 39 and 40 and other transcripts which *per se* reveal that such statements are not backed by any credible information to show that the allegations contained in such statements are true. Perusal of such statements further reveal that most of them are based on rumours and it



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is trite law that rumours unlike truth must not be acted upon as an information for dissemination before the public at large especially when such rumours can potentially affect the dignity of a woman as well as the reputation of a person with whom the name of the woman is sought to be attached. Thus, *prima facie* it appears that the transcripts of the alleged videos do not disclose that the statements made by the anchors and panelists / guests are based on any evidence, much less credible evidence.

44. The plaintiff is stated to be a sitting member of Rajya Sabha and the heedless allegations of the nature noted above not only bring his name into disrepute, but have the potential of adversely affecting his political career and reputation carefully built over the years.

45. 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.”

46. 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 has also affirmed the aforesaid principles whilst granting relief to the plaintiffs therein, besides observing to the effect that the public image of

¹ 2022 SCC OnLine Del 4882.



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political functionaries, which is built by hard work during their life time cannot be permitted to be tumbled by baseless, defamatory statements by any political entity / individual for petty gains. The relevant part of the said judgment reads thus:

“25. At the outset, it may be noticed that Article 19 of the Constitution of India guarantees freedom of speech and expression to every citizen including the press which is referred as the fourth estate. The constitutional guarantee of freedom of speech and expression is both for the benefit of the press as well as of the public. It is generally believed that any attempt to stifle or suffocate this right is a death knell of democracy.

26. However, each citizen has a right to express his sentiments except to the extent permitted under Article 19(2) of the Constitution of India. It is manifest under Article 19(2) of the Constitution of India that the rights conferred by Article 19(1)(a) are subject to reasonable restrictions in the interest of the public or decency or morality or in relation to defamation or incitement of an offence. This freedom needs to be exercised with circumspection and care and cannot be permitted to violate the rights of other citizens and to jeopardize their public interest. More so, in case of political functionaries, who spend their lifetime for building their image in the public, the same cannot be permitted to be tumbled by baseless, defamatory statements by any political entity/individual for petty gains.

27. Further, it cannot be ignored that with the advent of internet, the impact of the views formulated and disseminated on electronic media has a considerable impact on the viewers and followers and mould the public opinion on vital issues of political and national importance.

28. It is also well settled that reputation is an integral part of the dignity of each individual. As such, there is a need for balance between the freedom of speech and expression vis-à-vis the right to reputation. The defamation per se is also an offence and has been dealt in Sections 499 & 500 of IPC. Thus, the freedom of speech and expression under Article 19 of the Constitution of



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India cannot be extended to intentional hurt to any other person's reputation, though imputation of truth which public good requires to be made or published, is considered as a valid defence against defamation.

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.”

(emphasis supplied)

47. A reference to the decision of the Hon'ble Supreme Court in ***Institute of Chartered Accountants of India vs. L.K. Ratna***², is also apposite at this stage, wherein 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, conscientious and diligent industry. It is the portrait of his professional honour. In a world said to be***

² (1986) 4 SCC 537.



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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)

48. Considering the above noted facts and circumstances in the light of aforesaid *dicta*, I am satisfied that the plaintiff has made out a case for grant of *ad interim* relief. I am also satisfied that grave and irreparable loss and injury will be caused to the plaintiff, if *ad interim* injunctive orders are not passed in his favour. The balance of convenience also lies in favour of the plaintiff.

49. Insofar as reliance placed by the learned counsel for the defendant no.1 on the judgment of the Hon'ble Supreme Court in ***Bloomberg Television*** (supra) is concerned, the same though highlights that in suits concerning defamation by media platforms and / or journalists, an additional consideration of balancing the fundamental right to free speech with the right to reputation and privacy must be borne in mind, at the same time, it is also trite law that the freedom of speech is not an unfettered right and in case, the libel concerned is *prima facie* untrue, the *ad interim* injunction may



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be granted (*Ref. Bonnard vs. Perryman*³).

50. Under these circumstances, it is deemed appropriate to direct the defendant nos. 1 to 6 to take down/remove/restrict access/block the URLs of the below mentioned YouTube videos, posts on Google, videos on Facebook as well as posts on 'X', which contain defamatory statements against the plaintiff within a period of 10 days: -

YouTube – URLs

- i) <https://www.youtube.com/watch?v=CtUwJow2lgg>
- ii) <https://www.youtube.com/watch?v=3u4Gx3tZHjA>
- iii) <https://www.youtube.com/watch?v=R08johNoIU0>
- iv) <https://www.youtube.com/watch?v=Pbke9kf5liM>
- v) <https://www.youtube.com/watch?v=BEFu6u-QhV4>
- vi) <https://www.youtube.com/watch?v=lx2CD2y52ik>
- vii) <https://www.youtube.com/watch?v=MGMSjG7PccU>
- viii) <https://www.youtube.com/watch?v=Eu6CRU7-vZ4>
- ix) <https://www.youtube.com/watch?v=D7NoC3-wevs>
- x) <https://www.youtube.com/watch?v=B30EI6VFX38&pp=ygUPdmlqYXkgc2FpIHJIZGR5>
- xi) <https://www.youtube.com/watch?v=FeIYdjY2CRI&pp=ygUPdmlqYXkgc2FpIHJIZGR5>
- xii) <https://www.youtube.com/watch?v=4nTpghD7Bbs&pp=ygUPdmlqYXkgc2FpIHJIZGR5>
- xiii) <https://www.youtube.com/watch?v=KzpP62bWOOWY&pp=ygUPdmlqYXkgc2FpIHJIZGR5>
- xiv) <https://www.youtube.com/shorts/6JxIk2iZFPE>
- xv) <https://www.youtube.com/watch?v=DNN7JZxx3sg&pp=ygUPdmlqYXkgc2FpIHJIZGR5>
- xvi) <https://www.youtube.com/watch?v=frgYY0Os-NA&pp=ygUPdmlqYXkgc2FpIHJIZGR5>
- xvii) <https://www.youtube.com/watch?v=o0ZNHKa6cE0&pp=ygUPdmlqYXkgc2FpIHJIZGR5>

³ [1891] 95 All ER 853.



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Google-URLs

- i) <https://www.gulte.com/political-news/304685/vijay-sai-reddy-brought-villa-for-shanthi-alleges-husband>
- ii) <https://www.thenewsminute.com/andhra-pradesh/a-politican-and-bureaucrats-alleged-affair-has-dominated-andhra-media-circus>
- iii) <https://www.gulte.com/political-new/304839/why-ycp-leaders-silent-on-vijay-sai-reddy-issue>
- iv) <https://www.greatandhra.com/politics/andhra-news/loose-talk-lands-endowments-shanti-in-trouble-139351>
- v) <https://telugu.news18.com/videos/vijayawada/local18-madan-mohan-shanthi-issue-madan-mohan-sensational-comments-vijay-sai-reddy-ap-mr-2532059.html>

Meta-URLs

- i) <https://fb.watch/tDK3eGu2pa/>
- ii) <https://fb.watch/tDK4RvIRmk/>
- iii) https://fb.watch/tDK5lil_wuQ/
- iv) <https://fb.watch/tDK65TYJZ5/>
- v) <https://fb.watch/tDK7y7MAes/>
- vi) <https://fb.watch/tDK88gujJC/>

X Corp- URLs

- i) https://x.com/Rohit_RS/status/1812058895797391552
- ii) <https://x.com/bhargavraam8/status/1812762446358302951>
- iii) <https://x.com/ANI/status/1816037482099618098>
- iv) <https://x.com/Nirvana4lif8/status/1816337829615559082>
- v) <https://x.com/DaisyAndWisys/status/1812860017185333458>
- vi) <https://x.com/RaghavendarAl6/status/1816472362629697866>

51. In the event the defendant nos.1 to 6 fails to take down / remove/ restrict access / block the aforementioned URLs within the period of ten days, the plaintiff shall be at liberty to approach and request the defendant nos. 7 to 11, as the case may be, and the latter, in that eventuality, shall take down the URLs as mentioned



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in paragraph 50 above, within a period of 36 hours of such request.

52. Compliance of Order XXXIX Rule 3 CPC be made within two weeks. An affidavit of compliance may be filed within three days thereafter. Copy this order be also given *dasti* under the signatures of Court Master.

53. Needless to say, that 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.

54. List before the learned Joint Registrar for completion of service and pleadings on 28.10.2024.

55. List before the Court on 25.11.2024.

VIKAS MAHAJAN, J

AUGUST 8, 2024

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