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

+ CS(OS) 223/2020

DANIEL SNYDER

..... Plaintiff

Represented by: Mr. Dayan Krishnan, Senior
Advocate with Mr. Simranjeet Singh,
Mr. Aadhar Nautiyal, &
Mr. Sanjeevi Seshadri, Advocates.

versus

ELEVEN INTERNET SERVICES LLP & ORS. Defendant

Represented by: Mr. S.D. Sanjay, Senior Advocate
with Mr. Akshay Amritanshu,
Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **21.08.2020**

The hearing has been conducted through Video Conferencing.

I.A. 7183/2020 (exemption from filing original documents)

I.A. 7184/2020 (exemption from filing attested affidavits)

1. By these two applications the plaintiff seeks exemption from filing the originals documents and attested affidavits in support of the plaint, statement of truth and the certificate under Section 65-B of the Indian Evidence Act at this stage.
2. The same be filed within one week of the resumption of the normal Court functioning.
3. Applications are disposed of.

I.A. 7185/2020 (extension of time to file court fee)

1. By this application the plaintiff seeks extension of time to file Court fee.
2. The Court fee be filed within two weeks from today.
3. Application is disposed of.

CS(OS) 223/2020

I.A. 7182/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Complaint be registered as suit.
2. Issue summons in the suit and notice in the application.
3. Learned counsel for defendant Nos.1 to 6 appears and accepts notice.
4. Written statement to the suit and reply affidavit to the application be filed along with affidavit of admission/denial within four weeks.
5. Replication and Rejoinder affidavit alongwith affidavit of admission/denial be filed within three weeks thereafter.
6. List on 2nd November, 2020.
7. The present suit has been filed by the plaintiff in respect of the publishing of the defamatory and malicious publications levelling serious allegations against the plaintiff insinuating the plaintiff to the extent that he is facing allegations of sex trafficking and is associated with sexual predator Jeffrey Epstein.
8. According to the plaintiff the said news articles are false, frivolous and baseless and the said news articles are freely available in the public domain. It is stated that the act of publishing and making it available on public domain by the defendants has caused serious repercussion on the reputation of the plaintiff and had lowered the image of the plaintiff in the eyes of public.

9. To address this grievance, learned counsel for the plaintiff addressed an e-mail to learned counsel for the defendants on 22nd July, 2020, directing them to take down the impugned URL's/weblinks from their platform. A reply was received from Ms. Alysha Tharani on behalf of the defendants stating that the needful has already been done and no further action was required at the end of the defendants by e-mail dated 24th July, 2020.

10. According to the plaintiff the said request has not been complied with nor have the basic subscription details of the person/persons who is/are uploading the posts provided to the plaintiff.

11. The plaintiff has placed on record the impugned news articles/posts. It is the case of the plaintiff that after Ms. Alysha Tharani stated that the defendants have done the needful, the posts are still available upon a basic search on Bing.com as well as on the website of defendant No.2, hence the present suit has been filed.

12. The list of URL's/weblinks given by the plaintiff (page 73 of the documents) are as under:-

1. *<https://meaww.com/washington-redskins-owner-dan-snyder-to-step-down-owing-to-sex-trafficking-allegations-fan-reactions>*
2. *<https://meaww.com/washington-redskins-dan-snyder-jeffrey-epstein-sexual-harrasment-sex-trafticking-scandal-name-change>*
3. *<https://meaww.com/washington-redskins-cheerleaders-2013-costa-rica-escorts-topless-photo-shoot-daniel-marc-snyder>*

13. A perusal of the three URL's/weblinks mentioned as above, show that they are all of meaww.com which the defendant Nos.1 to 6 claim to be their website and the case of the plaintiff is that even as on date the said

weblinks are available.

14. By the application under Order XXXIX Rule 1 & 2 CPC for *ad interim* injunction the plaintiff seeks the following reliefs:-

- “i. Pass an order granting ad-interim injunction in favour of the Plaintiff and against the Defendants whereby directing the Defendants to permanently take down, remove and/ or block/restrict access to the news articles/posts/URLs/weblinks mentioned in the list of documents attached with the present Complaint and/or other active news articles/posts//URLs/weblinks which contain or purport to contain, the defamatory impugned news/articles or part thereof posted on their respective websites, and also from all media in the control of the Defendants, including but not limited to meaww.com website, mobile application;*
- ii. Pass an order granting ad-interim injunction in favour of the Plaintiff restraining the Defendants, its agents, officers, assignees, representatives thereby directing the Defendants to forthwith block/remove the impugned news articles/channels/posts/weblinks/URLs from channels, websites, webpages, mobile application in its control;*
- iii. Pass an order granting ad-interim injunction in favour of the Plaintiff and against the Defendants thereby directing the Defendants to block/remove the impugned news articles/posts from its websites on receipt of any complaint in future from the Plaintiff or its officials in regard to the same news articles/posts or containing the same/similar subject matter; and also from all media in the control of the Defendants, including but not limited to meaww.com website, mobile applications, another platforms;*
- iv. Pass an order granting ad-interim Injunction in favour of the Plaintiff and against the Defendants for restraining the Defendants or other news agencies from reporting any news*

with respect to the impugned news articles/posts/URLs/ Weblinks or any other news articles/posts/URLs/Weblinks containing the same or similar subject matter;

v. *Pass an ad-interim order directing the Defendants to disclose the source from where the information forming part of the impugned news articles/posts has been procured from by the Defendants, to the Plaintiff;*

vi. *Pass such other or further orders as this Hon 'ble Court may deem fit and proper in the interest of justice."*

15. Learned counsel for defendant Nos.1,2,3,4,5 and 6 enters appearance and states that the reliefs prayed in prayer (ii) and (v) have already been satisfied, which fact is denied by the learned counsel for the plaintiff. He further states that the reliefs sought in prayers (iii) and (iv) are in the nature of anticipated actions and hence no relief of this nature can be granted as an *ad interim* measure in terms of prayers (iii) and (iv).

16. Defendant No.7 in the plaint is the person who has been uploading the posts, whose basic subscription details have still not been provided.

17. Considering the averments in the plaint and the documents filed therewith, this Court is of the considered opinion that the plaintiff has made out a *prima facie* case against the defendants and if no *ad interim* injunction is granted, the plaintiff would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff.

18. Consequently, till the next date of hearing, an *ad interim* injunction in favour of the plaintiff and against the defendant Nos.1 to 6 is granted in terms of prayers (i) to (iv) of Para 29 of the application.

19. Defendant Nos.1 to 6 are also directed to disclose the basic subscription information in respect of the person/persons who had uploaded

the impugned news articles/posts at the platform of the defendants.

20. List the suit and the application on 2nd November, 2020.

21. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 21, 2020

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