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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 679/2025 with I.A. 23950/2025, I.A. 23951/2025,
I.A. 23952/2025, I.A. 23953/2025 & I.A. 23954/2025

GAURAV BHATIA

Through:

.....Plaintiff
Mr. Raghav Awasthi, Ms. Simran Brar,
Mr. Mukesh Sharma, Mr. Neelmani
Guha, Mr. Vaibhav Dabas, Mr. Vikas
Tiwari and Ms. Ruhi Ansari,
Advocates with the plaintiff in person

versus

**SAMAJWADI PARTY MEDIA CELL AND
ORS.**

Through:

.....Defendants

Ms. Mamta Rani Jha, Ms. Shruttima
Ehersa, Mr. Rohan Ahuja, Ms. Diya
Viswanath and Ms. Aiswarya
Debadarshini, Advocates for D-
27/Google LLC

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

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ORDER
25.09.2025

I.A. 23952/2025 (u/O-I Rule 3 of the CPC)

1. For the reasons stated, the plaintiff is permitted to implead the defendants no.4 and 7 to 25 without their particulars including names, email addresses and postal addresses.
2. The application stands disposed of.

I.A. 23953/2025 (seeking leave to file lengthy list of dates)

3. For the reasons stated, the plaintiff is permitted to file lengthy list of dates.



4. The application stands disposed of.

I.A. 23954/2025 (seeking exemption from filing translated copies of documents)

5. Allowed, subject to the plaintiff filing the English translated copies of documents mentioned in the present application within two (2) weeks.

6. The application stands disposed of.

I.A. 23950/2025 (u/O-XXXIX Rules 1 and 2 of the CPC) and I.A. 23951/2025 (under Rule 3(1) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021)

7. The present suit has been filed *inter alia* seeking permanent and mandatory injunction against the defendants no.1 to 5 and 7 to 26 with respect to various allegedly abusive and defamatory statements and content posted by them against the plaintiff on the platform of the defendants no.6 and 27.

8. The present suit came up for hearing on 23rd September 2025, when submissions on behalf of counsel for the plaintiff and the defendant no.27 were heard. The plaintiff was also present in person and made submissions. The matter was posted for orders today.

9. The plaintiff is a senior advocate and a national spokesperson of Bharatiya Janata Party (BJP), one of the largest national political parties.

10. The defendant no.1 to 5 and 7 to 25 are various persons including political parties and their representatives and spokespersons/journalists/ news anchors/ authors/ politicians/ social and political commentators/ social media personalities. All the aforesaid defendants command a substantial digital footprint with a significant follower base.

11. The defendant no.6 is a micro-blogging social media platform, namely, 'X' (earlier known as 'Twitter'), the defendant no.26 is a TV news channel, namely, 'News 18 India' and the defendant no.27, namely, 'YouTube', is a



global online video-sharing and social media platform owned and controlled by Google LLC.

12. On 12th September 2025, the plaintiff appeared on a live television debate on the channel of the defendant no.26 from his place of residence.

13. It is the case of the plaintiff that during the aforesaid live telecast, the plaintiff was attired in a kurta and casual shorts. As a matter of practice, the cameraperson of the defendant no.26 present at his residence was only supposed to take the plaintiff's headshot in the frame for the live telecast. However, due to inadvertent mistake, the plaintiff's bare thighs were also visible on screen during the live telecast.

14. Subsequently, several clips of the aforesaid live telecast were circulated by the defendants no.1 to 5 and 7 to 25 targeting the plaintiff's aforesaid appearance in several posts on social media platforms of the defendants no.6 and 27 (hereinafter 'impugned posts').

15. It is averred that the impugned posts made explicit and obscene allegations against the plaintiff and the language used therein by the aforesaid defendants is derogatory, vulgar, humiliating and defamatory in nature.

16. It is submitted that the impugned posts have been published by the aforesaid defendants with the malicious intent to defame and lower the reputation of the plaintiff among the public, causing immense embarrassment, reputational harm and emotional distress to the plaintiff.

17. It was only upon viewing the impugned post published by the defendant no.1 on the platform of the defendant no.6 that the plaintiff came to know about the aforesaid circumstances.

18. It is submitted that the aforesaid defendants, having a vast audience and follower base, are capable of shaping public opinion, influencing political



discourse and impacting reputation and the impugned posts are not casual or inadvertent, but rather calculated acts executed with deliberate intent to tarnish the plaintiff's public image.

19. Issue Notice.

20. Notice is accepted by counsel appearing on behalf of the defendant no.27.

21. At the outset, Ms. Mamta Rani, counsel appearing on behalf of the defendant no.27, submits that the impugned posts of the defendants no.19 and 22 mentioned below do not pertain to the subject matter of the present suit.

- (i) <https://www.youtube.com/watch?v=X4kKHfSU4vw>
- (ii) <https://youtu.be/qqnQ5GWPOC0>

22. She further submits that the postal/ email addresses of the defendants no.17 to 22 are already available on the platform of the defendant no.27/ MCA, which have been handed over in Court today and are set out below:

- (i) Defendant no.17 – iamsatyakam@gmail.com
- (ii) Defendant no.18 – paurushsharma.hp@gmail.com
- (iii) Defendant no.19 – roundtable1930@gmail.com
- (iv) Defendant no.20 – editor@patrikadelhi.in
- (v) Defendant no.21 – ultachasmauc@gmail.com
- (vi) Defendant no.22 – News Laundry Media Private Limited
B-113, Sarvodaya Enclave, South Delhi
New Delhi-110017
subscription@newslaundry.com

23. Accordingly, notice be issued to the defendants no.1, 3, 6, 22 and 26 through all permissible modes and to the defendants no.2, 5 and 17 to 21 through email alone.



24. Reply(ies) be filed within four (4) weeks.
25. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
26. The main contesting defendants have not entered appearance in the present suit and plaintiff at this stage is pressing for an *ex-parte ad interim* order of injunction against the said defendants.
27. I have perused the impugned posts that are subject matter of the present suit.
28. A perusal of the impugned posts reveals that the same have been published by various persons including members and representatives of rival political parties, news media platforms, social and political commentators and social media personalities who regularly engage in public discourse sharing their personal and political views with the public.
29. A single bench of this Court, in **T.V. Today Network Limited v. News Laundry Media Private Limited**, 2022 SCC OnLine Del 2233, dealt with a suit filed against the defendants alleging tarnishment of the plaintiff's reputation by ridiculing and defaming the plaintiff. The Court observed that satire is one of the forms of free speech and expression under Article 19(1)(a) of the Constitution and therefore is in the nature of 'fair comment'. The relevant observations made by this Court in paragraph 85 of the judgment in **T.V. Today** (supra) is set out below:

"85. ...Satire cannot be explained or else it would lose its flavour. Satire allows the satirist to criticise in the harshest of terms and critique actions of all, particularly of those in positions of power and/or authority and leadership. The intention of the satirist is to simultaneously highlight an action and its negative fallout, so that rectificatory action could be taken. It is never intended to disparage or harm reputation and thus is completely devoid of malice. Satirists, at all times in our culture, have been greatly respected and there are several art forms in this country that allowed such criticism of even the rulers in the heydays of monarchy and which art forms still exist... Since Defendants 1 to 9 claim their programme is "satire", they



need to explain which one of their programmers is “satire”, which portion is “comment” and what justified “criticism”. But whether the comment is satirical or malicious would have to be established as a fact and therefore, would require trial and a presumption either way cannot be drawn at this stage.”

30. Applying the aforesaid observations in the facts of the present case, while the words used in the impugned posts may appear to be defamatory by themselves, it has to be borne in mind that the impugned posts were occasioned on account of the plaintiff’s appearance, as noted above, during a live telecast and, on a *prima facie* view, appear to be satirical, humorous and in the nature of hyperbole. Further, there is no invasion of privacy of the plaintiff as he voluntarily chose to be a part of a live television debate from his place of residence in such an attire.

31. In my *prima facie* view, the threshold for defamation in respect of public figures or politically exposed persons should be higher. No doubt the actions of such individuals are more often under scrutiny and prone to public criticism, however, they also have the benefit of a stage/ media as well as the ability to counter any statement made against him.

32. It is also well-settled that *ex-parte ad interim* injunctions could only be granted under exceptional circumstances. Reference in this regard may be made to the judgment of the Supreme Court in ***Bloomberg Television Production Services India Private Limited v. Zee Entertainment Enterprises Limited***, 2024 SCC OnLine SC 426.

33. Therefore, at this stage, the Court is not inclined to grant an *ex-parte ad interim* injunction against the defendants *qua* their respective posts. In my *prima facie* view, it would only be reasonable to give an opportunity to the defendants to present their case including the defence of ‘fair comment’ that they might take in support of their posts.



34. Having made the aforesaid observations, it is imperative to note that attacking the dignity of a person using obscene and sexually suggestive language under the guise of free speech cannot be permissible under any circumstances. The impugned posts made by the defendants no.1 and 11 clearly fall in this category and cannot be justified. Similarly, a comment made by one Vish Patel (username: @VishPatel644653) on the platform of the defendant no.6 subsequent to hearing of the present suit on 23rd September, 2025, which has been shown in Court today, shows a morphed image of the plaintiff along with the text '*Coming out of a Rape*'. These kinds of posts are completely unacceptable.

35. In view of the discussion above, a *prima facie* case has been made out in favour of the plaintiff and against the defendants no.1 and 11, as well as Vish Patel (username: @VishPatel644653) mentioned in paragraph 35 above, and in case no *ad interim* injunction is granted against the aforesaid defendants/ person, irreparable loss, harm and injury would be caused to the plaintiff's reputation. Balance of convenience also lies in favour of the plaintiff.

36. Accordingly, till the next date of hearing, an *ad interim* injunction is granted in favour of the plaintiff in the following terms:

a. The defendants no.1 and 11 shall take down the following URLs/ posts impugned in the present suit within 24 hours:

- (i) <https://x.com/mediacellsp/status/1966501970841391443?s=46>
- (ii) <https://x.com/ActivistSandeep/status/1966489448658399350?t=1XQsrbYJ8Yq346n4xkPVIA&s=19>

b. In case the aforesaid impugned posts are not taken down by the defendants no.1 and 11 within 24 hours, the plaintiff shall intimate the



same to the defendant no.6, which is directed to take down and de-index the aforesaid URLs/ posts mentioned in paragraph 36(a) above within 72 hours thereafter in terms of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

- c. The defendant no.6 is directed to take down and de-index the following URL/ post forthwith in terms of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021:
 - (i) <https://x.com/VishPatel644653/status/1970861062091329819?t=ZxpFB97Ywb0oiFNSJu0DBg&s=08>
- d. The defendants are restrained from posting, circulating or publishing any content *qua* the plaintiff which is explicit, obscene or sexually suggestive in nature on any online or offline platform.
- e. If the plaintiff considers any content on the platform of the defendants no.6 and 27 to be violative of this order, counsel for the plaintiff shall address a communication with identification of specific URLs to the defendants no.6 and 27, as the case may be, with a copy of this order, requesting them to take down the said URLs.
- f. In the event the concerned intermediary accepts that the content published on such URLs on its platform is violative of this order, the content shall be taken down within 72 hours after receipt of the aforesaid request.
- g. If the defendants no.6 and 27 are of the view that the content in question published on such URLs is not covered by this order, they shall inform the plaintiff within 72 hours after receipt of their request. In such an eventuality, the plaintiff shall be at liberty to move an application before this Court.



h. The defendant no.6 shall disclose the basic subscriber information of the defendant no.4, 7 to 16 and 23 to 25 to the plaintiff within one (1) week. The defendant no.6 shall also disclose the basic subscriber information of Mr. Vish Patel (username: @VishPatel644653) to the plaintiff within one (1) week. The said details/ information disclosed to the plaintiff shall only be used for the purpose of present legal proceedings.

37. Upon receiving the requisite information from the defendant no.6 in terms of paragraph 36(h) above, the plaintiff shall file an amended memo of parties within (1) week thereafter.

38. Upon the amended memo of parties being filed, notice be issued to the defendants no.4, 7 to 16 and 23 to 25 through all permissible modes.

39. In view of the order passed above, I.A. 23951/2025 stands disposed of.

40. List I.A. 23950/2025 before the Joint Registrar on 30th October, 2025 for completion of service and pleadings.

41. List I.A. 23950/2025 before the Court on 19th November, 2025.

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42. Let the plaint be registered as a suit.

43. Issue summons.

44. Summons are accepted by counsel appearing on behalf of the defendant no.27.

45. Summons be issued to the defendants no.1, 3, 6, 22 and 26 through all permissible modes and to the defendants no.2, 5 and 17 to 21 through email alone. The summons shall state that the written statement(s) shall be filed by the defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file an



affidavit(s) of admission/ denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

46. Liberty is given to the plaintiff to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit(s) of admission/ denial of the documents of the defendants be filed by the plaintiff.

47. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case the parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

48. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

49. Upon receiving the requisite information from the defendant no.6 in terms of paragraph 36(h) above, the plaintiff shall file an amended memo of parties within (1) week thereafter.

50. Upon the amended memo of parties being filed, summons be issued to the defendants no.4, 7 to 16 and 23 to 25 through all permissible modes.

51. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be done within 3 days.

52. List before the Joint Registrar on 30th October, 2025 for completion of service and pleadings.

53. List before the Court on 19th November, 2025.

AMIT BANSAL, J

SEPTEMBER 25, 2025/Vivek/-