



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

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Reserved on: 08th April, 2024

Pronounced on: 16th April, 2024

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CS(OS) 274/2024

GAURAV BHATIA

S/o Lt. Sh. Virendra Bhatia

..... Plaintiff

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Utkarsh Jaiswal & Mr. Vikas
Tiwari, Advocates.
Mr. Raghav Awasthi and Mr. Mukesh
Sharma, Advocates.

versus

1. **NAVEEEN KUMAR**

YouTube Channel: Article 19 India,
@Article19India

..... Defendant No. 1

2. **NEELU VYAS**

YouTube Channel: The News Launcher,
@thenewslauncherhindi

..... Defendant No. 2

3. **PROFESSOR AKHIL SWAMI**

..... Defendant No. 3

4. **RAJEEV NIGAM**

YouTube Channel: Rajeev Nigam,
@RajeevNigam

..... Defendant No. 4

5. **BBI NEWS**

YouTube Channel: BBI NEWS,
@bbinews20

..... Defendant No. 5



6. **SANDEEP SINGH**
X Handle: @ActivistSandeep Defendant No. 6
7. **VIJAY YADAV**
Phone: +91-9452821082,
X Handle: @yadavvijay88 Defendant No. 7
8. **NETAFLIX**
X Handle: @NetaFlixIndia Defendant No. 8
9. **SUNITA JADHAV**
X Handle: @sunmor2901 Defendant No. 9
10. **गुरुजी**
X Handle: @GURUJI_123 Defendant No. 10
11. **DAWOOD NADAF**
X Handle: @DawoodNadaf10 Defendant No. 11
12. **DRKHATRA**
X Handle: @dumbitpatra12 Defendant No. 12
13. **VIRUS BABA I.N.D.I.A WALA**
X Handle: @Virus_Studioz Defendant No. 13
14. **GOOGLE LLC**
Located at 1600 Amphitheatre Parkway,
Mountain View, CA 94043, USA,
(Parent Company of YouTube LLC)

RESIDENT GRIEVANCE OFFICER FOR YOUTUBE
Google LLC - India Liaison Office
Unit No. 26, the Executive Center,
Level 8, DLF Centre, Sansad Marg,
Connaught Place, New Delhi-110001 Defendant No. 14



15. X

(Earlier Twitter/Twitter Inc.),
Office at 1355, Market Street,
Suite 900, San Francisco,
CA 94103, USA

..... Defendant No. 15

Through: Mr. Hemraj Singh, Advocate for D-1.
Mr. Mehood Pracha, Mr. Sanawar &
Mr. Jatin Bhatt, Advocates for D-2 &
3.
Mr. Ruman Ali, Mr. Askim Naeem &
Mr. Muzakkir Zama, Advocates for
D-6.
Mr. Aditya Gupta, Ms. Aishwarya
Kan & Mr. Sauhard Alung,
Advocates for D-14.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

I.A.7674/2024 (u/O XXXIX Rules 1 & 2 r/w Section 151 of CPC, 1908)

1. By way of present application, the applicant/plaintiff seeks *ad interim ex parte* injunction thereby directing the defendant Nos. 14 and 15 to take down the posts/videos of defendant Nos. 1 to 13 from the platform of defendant Nos. 14 and 15 and also *ad interim ex parte* injunction against the defendant Nos. 1 to 13 thereby restraining all the defendant Nos. 1 to 13, including their agents, representatives, associates, heirs, relatives etc., to cease and desist from posting any derogatory and harmful material on the social media platforms, including on the platforms of defendant Nos. 14 and



15 pertaining to the plaintiff, during the pendency of the present Suit.

2. It is submitted in the Application that the plaintiff holds a distinguished position of Senior Advocate, a title conferred upon him by the esteemed Supreme Court of India, in the year 2019. This conferment of Senior Advocate reflects his considerable expertise and experience in the legal field. The applicant/plaintiff also earlier served as Honorary Secretary of the Supreme Court Bar Association. The applicant/plaintiff's role highlights his commitment to the legal profession and his active involvement in the affairs of the legal community at the highest levels.

3. In addition to his legal pursuits, the applicant/plaintiff is actively involved in the realm of politics. The applicant/plaintiff holds the position of National Spokesperson in the Bhartiya Janta Party (in short "BJP"), a prominent political entity known as the largest political party in the world. It is submitted that as a Spokesperson, applicant/plaintiff plays a crucial role in representing the Party's views and communicating its policies and initiatives to the public.

4. It is submitted that the defamatory videos published on various social media platforms have amassed approximately millions of views and thousands of likes from the public, signalling significant engagement and the potential for considerable harm to the applicant/plaintiff's reputation livelihood and overall well-being due to the widespread dissemination of defamatory material on highly popular platforms like YouTube.

5. The applicant/plaintiff has submitted that he has a good *prima facie* case in his favour and irreparable damage would be caused to him if those defamatory X posts/Tweets and YouTube videos are allowed to remain on the Internet.



6. Moreover, the *balance of convenience* also lies in favour of the plaintiff as no loss would be caused if the offending X posts/Tweets and YouTube videos which level vile allegations against him, are not injuncted from said platforms.

7. Hence, the prayer is made that to grant an *ad interim ex parte* injunction against all the defendants as prayed for.

8. *Learned Senior Advocate on behalf of the plaintiff* has submitted that the present Suit is of exceptional nature as none of the allegations made herein against the plaintiff, can be proved at all.

9. The Full Bench of the Supreme Court of India, headed by the Hon'ble Chief Justice of India, has taken *suo moto* cognizance of the incident and it has not only been decried the practice of strikes of lawyers but has also taken judicial notice of the applicant/plaintiff's band having been pulled, nothing beyond that has happened.

10. In view of the above, it is evident that there is absolutely no chance of defendants succeeding in the trial as objectionable YouTube videos and X posts/Tweets have been set out in the public domain showing that the plaintiff has been beaten up by the lawyers in the Court at Gautambudh Nagar where the plaintiff had gone to represent Elvish Yadav, an infamous YouTuber, who was recently accused of peddling snake poison at Rave parties. It is also being projected that the plaintiff deserved to be beaten because of his status as a Member and Office Bearer of BJP, given the task of defending the parties in various T.V. debates and that the legal fraternity hates the alleged conceited attitude of the applicant/plaintiff for which reason, he has been assaulted.

11. It is further submitted that at some points of the video, the



applicant/plaintiff has been subjected to downright abusive language which is liable to be injuncted, as has been observed in the Civil Suit bearing No. CS(OS) 403/2022 titled Kairaviview (OPC) Pvt. Ltd. & Ors. vs. Hindustan Times/Mint & Ors. Some Deepfake videos have also been posted which are liable to be removed.

12. **Learned Senior Advocate on behalf of the plaintiff**, in support of his arguments, has relied that in the Civil Suit bearing No. CS(OS) 134/2024 titled Shaviya Sharma vs. Squnit Neo & Ors., wherein the Co-ordinate Bench of this Court has directed the removal of content as it had the potential of unleashing violence on the victim, in real life. Similarly, in CRL.M.C. 6347/2019 titled Arvind Kejriwal vs. State & Anr., it has been observed by the Co-ordinate Bench of this Court that greater responsibility is to be borne by those who have a higher number of followers on social media.

13. Reliance has also been placed on the Order dated 18.02.2024 and 24.02.2022 made by the Co-ordinate Bench in the Civil Suit being CS(OS) 95/2022 titled Dr. Vikram Sampath vs. Dr. Audrey Truschke & Ors. Further, reliance has also been placed on W.P.(CRL.) 184/2014 titled Subramanian Swamy vs. Union of India, Ministry of Law & Ors.

14. **Learned counsel on behalf of the defendant No. 1 as well as learned counsel on behalf of the defendant Nos. 2 and 3** has vehemently contested the grant of injunction. It has been argued that the Right to Free Speech and Expression is the constitutional right of every citizen of this country guaranteed under the Constitution of India, which cannot be impinged on the asking of the plaintiff.

15. The defendant No. 1 has merely reported the incident as it had



happened in the Court involving the applicant/plaintiff. The right of reporting the incident may be humiliating and insulting for the plaintiff but *simplicitor* reporting of the news cannot be termed as defamatory. The incident reported being truth and only in exercise of Right of Free Speech and Expression, cannot be enjoined on the asking of the plaintiff. It is further submitted that this video, in any case, has been made private and it is not open to public viewing.

16. Similar are the arguments made on behalf of the defendant Nos. 2 and 3 to defend the YouTube Video dated 20.03.2024. The said Video was uploaded by defendant No. 2. This again has been contested on behalf of the defendant Nos. 2 and 3 on similar grounds as agitated on behalf of the defendant Nos. 1.

17. It has been further argued that the applicant/plaintiff himself has stated in his Plaint that in the incident dated 20.03.2024, his Advocate's Band was snatched by a lawyer who was present in the Court, in the presence of the learned District Judge.

18. It is further asserted that even though the plaintiff had agreed to adjournment of the matter and for taking the date but "*nevertheless he was manhandled by one particular lawyer whose identity is yet to be established*".

19. It is submitted on behalf of defendant Nos. 2 and 3 that the applicant/plaintiff himself has stated that he was manhandled and while reporting the said incident, the defendant Nos. 2 and 3 were merely debating on this aspect, which is their Fundamental Right. The mere reporting of an incident which had actually taken place cannot be curtailed by way of an injunction.



20. *None has contested the Suit on behalf of defendant Nos. 4 and 5.*
21. *Learned counsel on behalf of defendant No. 6* has submitted that though he has full sympathy for the untoward incident, to which the plaintiff was subjected, but it is submitted that defendant No. 6 is a Social Activist/Journalist and generally using social media platform in exercise of his Fundamental Right of Freedom of Speech and Expression guaranteed by the Constitution of India. Though the applicant/plaintiff has alleged that the content posted by the answering defendant is defamatory and has sought interim injunction, but it may be noted that the plaintiff is a Politician and his activities are of public interest and he should be welcoming the criticism, satires and news stories made, on a lighter note. Admittedly, an untoward incident happened at District Court at Gautambudh Nagar, wherein the plaintiff was admittedly manhandled. The defendant No. 6 had simply posted a request for the video of the incident to validate what was being heard in regard to this incident. The defendant No. 6 re-posted a joke in pictorial form which was not created by him but was shared by thousand others. Furthermore, the other posts complained of in the Plaint have already been removed by the answering defendant.
22. It is further argued on behalf of the defendant No. 6 that none of the posts are defamatory in nature and are truly protected by the basic human right of Freedom of Speech and Expression under the Constitution of India. The only parameters of restriction are provided in Article 19(2) of the Constitution of India and the present case does not fall within those parameters. The grant of interim injunction would severely fetter the Freedom of Speech as has been held by this Court in the case *Tata Sons Limited vs. Greenpeace International & Anr.*, 2011 SCC OnLine Del 466.



In *Pushp Sharma vs. Db Corp Ltd.*, 2018 SCC OnLine Del 11537, it was observed that public figures have to fulfil a very high threshold to seek injunctive relief in respect of the alleged libel or defamation. Unless it is demonstrated at the threshold that the Offending Content is malicious or palpably false, an injunction should not be given.

23. In the case of *Indu Jain vs. Forbes Incorporated*, 2007 SCC OnLine Del 1424, it was held that a public figure though entitled to have his privacy respected in appropriate circumstances, but should recognise that because of his public position he had to expect and accept that his or her actions would be more closely scrutinised by the media.

24. In the present case, if the injunctive relief is granted at interim stage to the applicant/plaintiff, it would amount to the Suit being decreed.

25. Furthermore, the applicant/plaintiff has not been able to demonstrate that all the defendants' statement was untrue and in the absence of this ingredient, the defence of the defendants of justification would succeed. Truth is a complete defence in the present Suit and the application. Reference has been made to the case of *Ram Jethmalani vs. Subramaniam Swamy*, 2006 SCC OnLine Del 14.

26. Learned counsel for the defendant No.6 has further argued that the damages have already been quantified by the applicant/plaintiff in the Suit and absence of any interim injunction would not cause him any injury for which he has relied upon the case of *Kailash Gahlot vs. Vijender Gupta & Ors.*, MANU/DE/0749/2022. It is asserted that the applicant/plaintiff has failed to disclose any cause of action and the Suit itself is not maintainable.

27. *The defendant Nos. 4, 5, 7 to 13 have not appeared or contested the Suit.*



28. **Submissions heard.**

29. The applicant/plaintiff has filed the Suit for Damages in the sum of Rs. 2,00,00,100/- in addition to Permanent and Mandatory Injunction for directing the defendants for removal of objectionable X posts/Tweets and videos from the social media platforms.

30. This Suit relates to an unsavoury incident of 20.03.2024, when the applicant/plaintiff in his robes had appeared in a Court in Gautambudh Nagar, despite there being a strike of the lawyers. According to plaintiff, when he was apprised by the Officers of Gautambudh Nagar Bar Association that they had called for the strike, he agreed readily for the adjournment of the matter, which, in fact, was adjourned despite which he was manhandled by one particular local lawyer and his Advocate's Band was snatched. This incident was reported extensively on various social media platforms and also became a topic of debate by various news channels which were duly published; in addition to there being number of X posts/Tweets and memes that got posted on various social media platforms by public at large.

31. The plaintiff, not only being one of the most distinguished Senior Advocate having been conferred with senior advocacy by the Supreme Court of India, but is also a Spokesperson for BJP with the responsibility of presenting the Party's views and communicating its policies and initiatives to the public. The applicant/plaintiff is a prominent and social figure which is brought forth from his own submissions in the Plaint.

32. The 3-Judge Bench of the Apex Court in the case of Morgan Stanley Mutual Fund vs. Kartick Das, (1994) 4 SCC 225 had observed that an *ex parte* injunction should be granted only in exceptional circumstances and the



factors to be considered are: (i) *whether irreparable or serious mischief would ensue to the plaintiff*, (ii) *whether refusal of ex parte injunction would involve greater injustice than the grant of it would involve*, (iii) *the time at which the plaintiff first noticed the act complained of*, (iv) *whether the party had acquiesced for some time*, (v) *whether the applicant/plaintiff has approached in good faith to seek injunction*, and (vi) *whether such ex parte injunction would be for a limited period of time*.

33. In the Suits of Defamation against media platforms or Journalists, an additional consideration of balance in the Fundamental Right to Free Speech with the Right to Reputation and Privacy, must be borne in mind. The constitutional mandate of protecting journalistic expression cannot be understated and the Courts must tread cautiously while granting interim injunctions.

34. In the case of *Bonnard vs. Perryman*, (1891) 95 All ER 965, the status of a common law principle for the grant of interim injunctions in defamation Suits, has been stated which has come to be christened as *Bonnard standard*. The Court of Appeal held that the subject matter of an action for defamation is so special so as to acquire exceptional caution in exercising the jurisdiction to interfere by injunction before the trial of an action to prevent and anticipate wrong. The Court of Appeal held as under:-

“...But it is obvious that the subject-matter of an action for defamation is so special as to require exceptional caution in exercising the jurisdiction to interfere by injunction before the trial of an action to prevent an anticipated wrong. The right of free speech is one which it is for the public interest that individuals should possess, and, indeed, that they should exercise without impediment, so long as no wrongful act is done; and, unless an alleged libel is untrue, there is no wrong



committed; but, on the contrary, often a very wholesome act is performed in the publication and repetition of an alleged libel. Until it is clear that an alleged libel is untrue, it is not clear that any right at all has been infringed; and the importance of leaving free speech unfettered is a strong reason in cases of libel for dealing most cautiously and warily with the granting of interim injunctions.”

35. In Fraser vs. Evans, (1969) 1 Q.B. 349, the Court of Appeal followed the *Bonnard Principle* and observed as under:-

“... in so far as the article will be defamatory of Mr. Fraser, it is clear he cannot get an injunction. The Court will not restrain the publication of an article, even though it is defamatory, when the defendant says he intends to justify it or to make fair comment on a matter of public interest. That has been established for many years ever since (Bonnard v. Ferryman 1891 2 Ch. 269). 'The reason sometimes given is that the defences of justification and fair comment are for the jury, which is the constitutional tribunal, and not for a Judge. But a better reason is the importance in the public interest that the truth should out. ...”

36. Referring to the aforesaid judgments, the Apex Court in the recent case of Bloomberg Television Production Services India Private Limited & Ors. vs. Zee Entertainment Enterprises Limited, SLP (C) No. 6696/2024 decided on 22.03.2024, had observed that the grant of a pre-trial injunction against the publication of an article may have severe ramifications on the Right to Freedom of Speech of the Author and the public's Right to Know. An injunction, particularly, *ex parte* should not be granted without establishing that the contents sought to be restricted is malicious or palpably false. Grant of interim injunctions before the trial commences in a cavalier manner results in stifling of public debate. The Court, therefore, should



refrain itself from granting *ex parte* injunction, except in exceptional cases where the defence advanced by the respondent would undoubtedly fail at trial. In all other cases, injunction against the publication of material should be granted only after a full-fledged trial.

37. In the case of Kartar Singh vs. State of Punjab, 1956 SCR 476 underlined that “*those who fill public positions must not be too thin-skinned in respect of references made upon them*”. A word of caution was however, given that whenever interlocutory or *ex parte* injunctive relief of any of this kind is sought from the Court, the threshold for considering the *prima facie* case has to be necessarily of a very high order. The consequence of not following such established rules and principles would be that the Court would unwittingly, through its Orders, stifle public debate. The citizens of this Country expect news and fair comment as to whether the public institutions, including the media houses or the Journalists are functioning properly. In cases of allegations which result in controversy as to reliability of the news which gets disseminated to the public, is also a matter of public debate, unless it is demonstrated at the outset that the offending content is malicious or palpably false, an injunction that too an *ex parte* without recording any reasons, should not be granted. If Court Orders were to routinely stifle debate, what cannot be done by law by the State, would be achieved indirectly without satisfying exacting constitutional standards that permit infractions on the valuable Right to Freedom of Speech.

38. On the similar lines, in the case of Indu Jain (supra) it was observed that people occupying public position have to accept that their actions would be more closely scrutinised by the media.

39. The Apex Court in the case of Amish Devgan vs. Union of India,



(2021) 1 SCC 1 referred to Subramanian Swamy (supra), wherein it had been ruled that dignity is the quintessential quality of personality and a basic constituent along with honour and reputation of the rights guaranteed and protected under Article 21. Dignity is a part of the individual rights that form the fundamental fulcrum of collective harmony and interest of a society. While right to speech and expression is absolutely sacrosanct in the sense that it is essential for individual growth and progress of democracy which recognises voice of dissent, tolerance for discordant notes and acceptance of different voices, albeit the right to equality under Article 14 and right to dignity as a part of Article 21 have their own significance.

40. In the case of R. Rajagopal Alias R.R. Gopal and Others vs. State of T.N. and Others, (1994) 6 SCC 632, a reference was made to the speech of Lord Bridge of Harwich observed who observed that those who hold office in Government and were responsible for public administration, must always be open to criticism. Any attempt to stifle or fetter such criticism amounts to political censorship of the most insidious and objectionable kind. At the same time, it is no less obvious that the very purpose of criticism levelled at those who have the conduct of public affairs by their political opponents is to undermine public confidence in their stewardship and to persuade the electorate that the opponents would do a better job at it than those presently holding office. Therefore, statements made which are likely to undermine public confidence in the conduct of public affairs cannot but be viewed with utmost suspicion.

41. In the case of Pushp Sharma (supra), the Co-ordinate Bench of this Court observed that in this new media age, especially the electronic media and internet pose greater challenges. But that *per se* ought not to dilute



valuable Right of Free Speech which, if one may say so, is the lifeblood of a Democracy. The salutary and established principle in issues that concern free speech of public figures and public institutions have to fulfil a very high threshold, to seek injunctive relief in respect of alleged libel or defamation.

42. The facts of the present case may now be considered in the light of aforesaid principles to ascertain whether the injunctive relief is justified in the circumstances as made out in the plaint. It is not disputed that the plaintiff is not only holding a distinguished position of Senior Advocate and is acknowledged for his expertise and experience in the legal field, but is also the Spokesperson for one of the most prominent political entity of this Country and being its Spokesperson, plays a crucial role in presenting the views of the party and communicating about its policies and initiatives in public. As has been discussed in the aforementioned judgments, while the threshold of public criticism and alleged defamatory X posts/Tweets on social media platforms is much higher, but the individual dignity and honour of a person cannot be allowed to be defamed or disrepute brought to him on the ground of Right of Free Speech and Expression. A thin line of distinction exists between defamation and public criticism and an onerous task lies with the Courts to maintain this delicate balance between the competing claims and rights.

43. Here is the case where the applicant/plaintiff while being a public figure, had only been discharging his professional duty in appearing in a Court of law to defend a litigant. The manhandling of the applicant/plaintiff and snatching of his Advocate's band while appearing in the Court is the most condemnable act, as has also been observed by the Apex Court while taking *suo motu* cognizance of this matter. The Right to Legal Aid for



Representation before the Court is again a constitutional right protected under Article 21 and entails a corresponding duty on the legal professionals to discharge their obligations in the most diligent matter, to best of their capabilities. The Advocates may have been on strike in the Court at Gautambudh Nagar, but what is pertinent is that when informed, the plaintiff agreed for an adjournment which was, in fact, granted. In these circumstances, pulling his Band or manhandling as has been stated by him in his Complaint, were most reprehensible/condemnable act committed upon him.

44. It cannot be denied that the press and the Media had a duty to report this incident for the benefit of the public, but there was also a corresponding duty to remain truthful to the incident. The deepfake videos showing the plaintiff being beaten up and the claims of the applicant/plaintiff having been beaten, are nothing but an over-sensationalization and depiction of facts which are patently false. *Prima facie* dissemination or playing of such videos has not only caused harm to the reputation of the plaintiff as has been asserted by him, but also has the potential of persistent threat of being aired and used against the plaintiff at any time in future. Such being the imminent threat of misuse of the videos in future, which are *prima facie* depicting applicant/plaintiff in a light which may not be the true facts, is liable to be restrained from being kept in the public domain till the Suit is finally decided.

45. The *irreparable loss* and *injury* would be caused to the plaintiff for if the Deepfake videos and Tweets, etc as mentioned above, is allowed to be in the public domain, it would continue to cause harm to his reputation as a respectable member of the Bar which would cause irreparable harm to the plaintiff. No harm would be caused to the defendants if the material is



restrained from remaining in public domain till the suit is adjudicated on merits, while these tweets/Memes have a potential of bringing disrepute to the Plaintiff in future with practically no reparation to the damage to his reputation. The applicant/plaintiff may have quantified damages for defamation and to his reputation but if such videos are permitted to remain in public, the harm already caused, would get perpetuated in future. *Therefore, the irreparable loss would be caused to the applicant/plaintiff in case the injunction as sought by the applicant/plaintiff is not granted.*

46. The *balance of convenience* also lies in favour of the plaintiff for the simple reason that by making these videos private or injuncting them from being available on the public platforms, would not, in any way, infringe on the rights of the defendants of freedom of speech and expression which they can, in any case, exercise within the defined parameters. However, the inconvenience that would result from these videos and X posts/Tweets etc., continuing to remain in public domain, has the potential to cause an inconvenience which may not be possible to be repaired or compensated by damages or otherwise, in future.

47. It has been argued that granting any relief of injunction at this stage, it would amount to decreeing the Suit. This argument is fallacious on the face of it since an injunction is to prevent harm in the future and not to redress the past deeds.

48. In this context, it may be noted that the status of the following videos which are sought to be injuncted as follows: -

S. No.	Particulars	Remarks
1.	Document - 1: True Screenshot of YouTube video dated 20.03.2024, titled	Video made private, not to be made public.



	“पुलिस वकीलों से छुड़ाती , गौरव भाटिया की धुलाई हो चुकी थी Navin Kumar” uploaded by Defendant No. 1	
2.	Document-2: True Transcript of YouTube video dated 20.03.2024, titled " पुलिस वकीलों से छुड़ाती , गौरव भाटिया की धुलाई हो चुकी थी Navin Kumar" uploaded by Defendant No. 1	
3.	Document-3: True Screenshot of YouTube video dated 20.03.2024, titled " BJP प्रवक्ता Gaurav Bhatia को वकीलों ने कूट दिया Godi Media मुँह छिपाती फिर रही ! The News Launcher" uploaded by Defendant No. 2	Contested.
4.	Document-4: True transcript of YouTube video dated 20.03.2024, titled "BJP प्रवक्ता Gaurav Bhatia को वकीलों ने कूट दिया Godi Media मुँह छिपाती फिर रही ! The News Launcher" uploaded by Defendant No. 2	
5.	Document -5: True Screenshot of YouTube video dated 20.03.2024, titled " Bhatia साहब की कुटाई की निंदा हो रही है rajeev nigam #gauravbhatiya" uploaded by Defendant No. 4	No Appearance, Not contested.
6.	Document -6: True Transcript of YouTube video dated 20.03.2024, titled "Bhatia साहब की कुटाई की	



	<i>निंदा हो रही है // rajeev nigam// #gauravbhatiya</i> " uploaded by Defendant No. 4	
7.	Document-7: true Screenshot of YouTube video dated 20.03.2024, titled " <i>Gaurav Bhatiya के साथ वकीलों ने की नोक झोक , Gaurav Bhatiya funny memes viral video</i> " uploaded by Defendant No. 5	Video taken down, Not Contesting.
8.	Document-8: True transcript of YouTube video dated 20.03.2024, titled " <i>Gaurav Bhatiya के साथ वकीलों ने की नोक झोक , Gaurav Bhatiya funny memes viral video</i> " uploaded by Defendant No. 5	
9.	Document-9: True Screenshots of posts by Defendant No. 6 (@ActivistSandeep) dated 20.03.2024	Contested.
10.	Document-10: True Screenshots of posts by Defendant No. 7 (@yadavvijay88) dated 20.03.2024	No Appearance, Not contested.
11.	Document-11: True Screenshots of posts by Defendant No. 8 (@NetaFlixIndia) dated 20.03.2024	No Appearance, Not contested.
12.	Document-12: True Screenshots of posts by Defendant No. 9 (@sunmor2901) dated 20.03.2024	Not Contested.
13.	Document-13: True Screenshots of posts by Defendant No. 10 (@GURUJI_123) dated 20.03.2024	No Appearance, Not contested.
14.	Document-14: True Screenshots of posts by Defendant No. 11(@DawoodNadaf10) dated 20.03.2024	Not contested. Video made private.



15.	Document-15: True Screenshots of posts by Defendant No. 12 (@dumbitpatra12) dated 20.03.2024	No Appearance, Not contested.
16.	Document-16: True Screenshots of posts by Defendant No. 13 (@Virus_Studioz) dated 20.03.2024	No Appearance, Not contested.
17.	Document-17: True Screenshots of posts by Defendant No. 7 (@yadavvijay88) dated 21.03.2024	No Appearance, Not contested.

49. From the aforesaid chart, it is evident that posts from defendant Nos. 7 to 13 have not been contested and looking at their contents, they may be removed from the platforms by the defendant Nos. 14 and 15.

50. Insofar as the videos mentioned at Serial Nos. 1 and 14 are concerned, they have been made private and are restrained from being made available to the public without the Orders of the Court.

51. Insofar as the document/video at Serial No. 3 is concerned which states that “BJP प्रवक्ता *Gaurav Bhatia* को वकीलों ने कूट दिया *Godi Media* मुँह छिपाती फिर रही !”, it remains public. The observations made herein are not a reflection on the merits of the case.

52. From the aforesaid discussion, it is directed that the X Posts/Tweets (URLs annexed as ‘Annexure-1’) which have not been removed, be removed within seven days by defendant Nos.6 to 13 in terms of the Intermediary Guidelines. It is further directed that the videos which are in the public domain be made private by defendant No.14 and not to be put in the public domain, without the Orders of this Court.

53. The application is accordingly disposed of.

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54. List before the Joint Registrar for completion of pleadings, on 02.05.2024.

**(NEENA BANSAL KRISHNA)
JUDGE**

APRIL 16, 2024
S.Sharma/RS



Annexure-1 List of URLs

1. <https://www.youtube.com/watch?v=CJtuh5MVSC4>
2. https://www.youtube.com/watch?v=re0suTu_uu6Fk
3. https://www.youtube.com/watch?v=BI_nxxyVukE
4. <https://www.youtube.com/watch?v=JmhJuMuCEzE>
5. <https://www.x.com/ActivistSandeep/status/1770335850909372847?s=20>
6. <https://x.com/ActivistSandeep/status/1770370747560538202?s=20>
7. <http://x.com/ActivistSandeep/status/1770387237559275637?s=20>
8. <https://x.com/ActivistSandeep/status/1770392188813500717?s=20>
9. <https://x.com/yadavvijay88/status/1770365949105082862?s=20>
10. <https://x.com/yadavvijay88/status/1770366501125763308?s=20>
11. <https://x.com/yadavvijay88/status/1770377259419066795?s=20>
12. <https://x.com/yadavvijay88/status/1770419368200908942?s=20>
13. <https://x.com/NetaFlixIndia/status/1770367604042924444?s=20>
14. https://x.com/sunmor2901/status/1770371607762211186?t=kTX08Az_hNI3UdRSnQ8g6g&s=08
15. https://x.com/GURUJI_123/status/1770371769490407722?t=J31IyrH_sAxRC_a06zshuBA&s=08
16. https://x.com/DawoodNadaf10/status/1770389475698639052?t=qHfF_ZWUMbnP_TxUpAwXeIQ&s=08
17. <https://x.com/dumbitpatra12/status/1770412401340432633?s=20>
18. https://x.com/Virus_Studioz/status/1770426819629531647?s=20
19. <https://x.com/yadavvijay88/status/1770727929250500761?s=20>