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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 124/2017**

INFORMATION TV PRIVATE LIMITED AND ANR

..... Appellants

Through: Mr.Meet Mlahotra, Senior Advocate
Mr.Siddharth Bambha and Mr.Shyam
D. Nandan, Advocates

versus

YASHWANT SINGH AND ORS

..... Respondents

Through:

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **24.04.2017**

CM No.15216/2017(Exemption)

Exemption allowed, subject to all just exceptions.

FAO(OS) 124/2017 and CM No.15215/2017(Stay)

1. It is the case of the appellant that by virtue of the orders of interim injunction dated 11th April, 2017 (page 26), the learned Single Judge has found that the appellant/plaintiff had made out a *prima facie* case in its favour; it was observed that the balance of convenience was also in its favour and that an irreparable loss and injury would be suffered by the appellant/plaintiff if the relief is not granted.

2. Mr.Meet Malhotra, learned senior counsel for the appellant, also contends that the very fact that the interim injunction has been

granted with regard to future posts by the respondent. It is manifested that the learned Single Judge will also satisfy that postings on the website were defamatory in nature.

3. In view thereof, the interim prayer, as prayed for, deserves to be granted inasmuch as every day of the posting remaining on the website, the appellant would be further defamed.

4. In our view, the appellant best deserves to move an application bringing the above fact to the notice of the learned Single Judge.

5. In view thereof, Mr. Meet Malhotra, learned senior counsel for the appellant prays that he may be permitted to withdraw this appeal with liberty to approach the learned Single Judge by way of an appropriate application.

6. It is made clear that nothing stated herein shall contain an expression of opinion on the merits of the case.

7. The appeal and the application are, consequently, disposed of as withdrawn.

Dasti.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

APRIL 24, 2017/sv