

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 612/2016, IA No.6510/2016 (u/O II R-2 CPC), IA No.12681/2016 (u/O VI R-17 CPC), IA No.14625/2016 (u/O VII R-10&11 CPC) & IA No.14626/2016 (u/S 8 of the Arbitration & Conciliation Act, 1996)

IYOGI TECHNICAL SERVICES PVT LTD Plaintiff

Through: Mr. Manish Kumar, Adv.

Versus

CHANGE.ORG & ANR Defendants

Through: Mr. Saaket Jain, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **10.01.2019**

1. The plaintiff has instituted this suit against i) Change.org and ii) Jaspreet Singh Chandok, for (a) permanent injunction restraining the defendant no.1 Change.org from allowing the defendant no.2 Jaspreet Singh Chandok to publish on the portal of defendant no.1 any material malicious, disparaging and detrimental to the interest of the plaintiff; (b) restraining the defendant no.2 from publishing from the platform of the defendant no.1 any material defamatory or disparaging to the plaintiff; and, (c) for mandatory injunction directing the defendant no.1 to delete the disparaging and defamatory material published by the defendant no.2 on the portal of the defendant no.1.

2. The counsel for the plaintiff draws attention to the order dated 2nd June, 2016 in FAO(OS) (COMM) No.40/2016 titled *Iyogi Technical Services Pvt. Ltd. Vs. Change Org & Anr.* arising from the present suit whereby the defendant no.1 Change.org was directed to remove the online

petition published on <https://www.change.org/p/uday-challu-payment-of-pending-salaries-and-dues-by-iyogi> pending further orders and to the order dated 9th August, 2016 in the said appeal recording the statement of the defendant no.1 that the online petition had been removed from the defendant no.1's website and disposing of the appeal.

3. The counsel for the plaintiff further draws attention to the order dated 14th September, 2016 in this suit deleting the defendant no.1 Change.org from the array of parties owing to the defendant no.1 having already complied with the relief sought against it in the suit.

4. The suit thus now survives only against defendant no.2 Jaspreet Singh Chandok.

5. The plaintiff, along with the plaint had filed IA No.6510/2016 under Order Rule II Rule 2 CPC and thereafter has also filed IA No.12681/2016 for amendment of the plaint to include therein a claim against the defendant no.2 Jaspreet Singh Chandok for recovery of Rs.20 crores along with interest, by way of compensation.

6. The defendant no.2 Jaspreet Singh Chandok has filed IA No.14625/2016 under Order VII Rules 10 and 11 of the CPC and IA No.14626/2016 under Section 8 of the Arbitration & Conciliation Act, 1996 for referring the parties to arbitration.

9. Mr. Saaket Jain, counsel for the defendant no.2 Jaspreet Singh Chandok states that the senior counsel for the defendant no.2 Jaspreet Singh Chandok is out of station.

10. The senior counsel for the defendant no.2 Jaspreet Singh Chandok is supposed to accept the brief when able to appear and the same does not constitute a ground for adjournment.

11. The counsel for the plaintiff states that the plaintiff has no objection to the application being IA No.14626/2016 of the defendant no.2 Jaspreet Singh Chandok under Section 8 of the Arbitration & Conciliation Act being allowed and the parties being referred to arbitration with liberty to the plaintiff to, before the Arbitrator, also make a claim for compensation for which application for amendment of plaint is pending.

12. Mr. Saaket Jain, counsel for the defendant no.2 Jaspreet Singh Chandok has no idea about the case.

13. However, on the ground of non-availability of the senior counsel for the defendant no.2 Jaspreet Singh Chandok, adjournment as aforesaid cannot be granted. Moreover, since the defendant no.2 Jaspreet Singh Chandok himself has applied under Section 8 of the Arbitration Act for referring the parties to arbitration and the plaintiff is agreeable thereto, there is no need to await the senior counsel for the defendant no.2 Jaspreet Singh Chandok.

14. IA No.14626/2016 of the defendant no.2 Jaspreet Singh Chandok is thus allowed and the parties are referred to arbitration.

15. The suit is disposed of.

RAJIV SAHAI ENDLAW, J

JANUARY 10, 2019

‘gsr’..