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

+ FAO(OS) (COMM) 134/2021 & CM APPLs. 36520-521/2021

ANIRUDDHA MALPANI

..... Appellant

Through: Ms. Bina Madhavan, Advocate with
Mr. Yadunath Bhargavan, Ms. Rao
Vishwaja, Ms. Divya Prasad and
Mr. Tushar Gupta, Advocates.

versus

**WHITEHAT EDUCATION TECHNOLOGY
PRIVATE LIMITED**

..... Respondent

Through: Mr. Rajshekhar Rao, Sr. Advocate with
Ms. Shwetasree Majumder, Ms. Eva
Bishwas and Mr. Raghav Kacker,
Advocates.

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Date of Decision: 21st October, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

**MANMOHAN, J. (Oral) **

1. Present appeal has been filed by the appellant/defendant challenging the order dated 27th November, 2020 passed by learned Single Judge, in I.A No. 1092/2020 in Commercial Suit No.518/2020, whereby the learned Single Judge was pleased to pass an ad interim injunction order in the application filed by the respondent/plaintiff herein under Order XXXIX, Rule 1 & 2 of the Code of Civil Procedure.

2. It is pertinent to mention that by way of the impugned order, the appellant has been restrained from posting, publishing, sharing any content which is defamatory, derogatory or deprecatory in nature to the Respondent, its management or employees. The appellant was also directed to take down twelve tweets within forty eight hours of passing of the impugned order.

3. Learned Counsel for the Appellant states that the learned Single Judge ought to have considered that the "blanket" order given against the Appellant is violative of her fundamental right of freedom of speech and expression which is one of the cornerstones of our Constitution as laid down by the Supreme Court in *Indian Express Newspaper (Bombay) Pvt Ltd v Union of India, (1985) 1 SCC 641*.

4. Mr. Rajshekhar Rao, learned senior counsel for respondent vehemently disputes the arguments advanced by learned counsel for the appellant. He further states that the injunction order is not being complied with by the defendant/appellant.

5. A perusal of the paperbook reveals that what is impugned in the present appeal is an ad interim injunction order. The application for ad interim injunction is pending and yet to be disposed of. Further, though the respondent/plaintiff has filed applications being I.A. 5277/2021 (under Order XXXIX Rule 4) and I.A. 5278/2021 (under Order VII Rule 11 CPC), yet the same have never been pressed before the learned Single Judge and no notice has been issued till date. This Court also finds that the matter is now listed before the learned Single Judge on 12th November, 2021.

6. Consequently, this Court disposes of the present appeal with a direction to the learned Single Judge to decide I.A. No. 1092/2020, I.A. 5277/2021 and I.A. 5278/2021 as expeditiously as possible preferably within twelve weeks

from the next date of hearing. At the same time, this Court clarifies that an interim order of injunction cannot be flouted on the ground that the Court that passed the injunction order did not have the jurisdiction to entertain and try the suit. [See: *Tayabbhai M. Bagasarwalla and Another Vs. Hind Rubber Industries Pvt. Ltd. and Others*, (1997) 3 SCC 443].

7. With the aforesaid direction, the present appeal along with pending applications stands disposed of.

MANMOHAN, J

NAVIN CHAWLA, J

OCTOBER 21, 2021
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