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

+ **FAO(OS) 146/2024, CM APPL. 60259/2024, CM APPL. 60260/2024
& CM APPL. 60261/2024**

WIKIMEDIA FOUNDATION INC.

.....Appellant

Through: Mr. Akhil Sibal, Sr. Adv. with Ms. Tine Abraham, Mr. Nikhil Narendran, Ms. Shivani Rawat, Mr. Thomas Vallianeth, Mr. Aayush Marwah, Mr. Abhi Udai Singh Gautam, Mr. Krishnesh Bapat and Mr. Sakah, Adv.

versus

ANI MEDIA PRIVATE LIMITED AND ORS.Respondents

Through: Mr. Sidhant Kumar, Mr. Akshit Mago, Ms. Manyaa Chandok, Mr. Om Batra and Ms. Anshika Saxena, Adv. for respondent.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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11.11.2024

1. Present appeal has been filed challenging the order dated 20th August, 2024 passed by the learned Single Judge in IA No. 32611/2024 in CS (OS) 524 of 2024 insofar as it grants the disclosure relief in the application.
2. After some hearings, draft consent orders were exchanged between the parties.
3. Today, learned counsel for the respondent states that the draft consent order circulated by a learned senior counsel for the appellant is acceptable



with minor modifications. The modifications suggested by learned counsel for the respondents are acceptable to learned senior counsel for the appellant.

4. This Court has perused the consent terms and is of the view that the same are legal and valid.

5. Accordingly, the present appeal is disposed of with consent of parties in the following terms:-

“A. This Appeal has been filed challenging the order dated 20 August 2024 by which the Ld. Single Judge has directed disclosure of subscriber details of Respondent Nos. 2-4. Respondent Nos. 2- 4 are arrayed as defendants in the Suit pending before the Ld. Single Judge.

B. The appeal is disposed of on the basis of the following consent terms, as agreed between the parties, without prejudice to their rights and contentions:

(a) Respondent No. 1 shall promptly ensure that fresh summons be issued to Respondent Nos. 2-4 in the Suit bearing number CS. (O.S.) 524 of 2024 and made available to the Appellant for dasti service upon Respondent Nos. 2-4. The Appellant shall serve Respondent Nos. 2-4 with the summons along with a copy of this order in fulfillment of all applicable legal requirements for service of summons by email, within 4 days of the summons being made available.

(b) The Appellant shall file an affidavit of service in accordance with Chapter VI, Rule 17 of the Delhi High Court (Original Side) Rules, 2018 in sealed cover disclosing all the basic subscriber details of Respondent No. 2-4 available with it, along with the proof of service of summons by email within 7 days of service of summons and shall simultaneously provide the counsel for Respondent No. 1 with a



redacted copy of the affidavit of service, after redacting the basic subscriber details of Respondent Nos. 2-4, as disclosed in the sealed cover.

(c) The fresh summons shall duly state that the Suit along with the Application filed under Order 39, Rules 1 and 2, Code of Civil Procedure, 1908 is next listed on the date fixed by the Ld. Single Judge.

(d) Respondent No. 1 shall withdraw the Application filed under Order 39, Rule 2-A of the Civil Procedure Code, 1908 bearing I.A. No. 38498 of 2024 pending before the Ld. Single Judge once the above directions are complied with in the time period stipulated.

(e) Respondent No. 1 shall be at liberty to approach the Ld. Single Judge for disclosure of the information and documents filed in sealed cover, if required, which shall be considered in accordance with law. All rights and contentions of the parties in this regard are left open.

C. It is made clear that service of summons in accordance with this order shall constitute sufficient service upon Respondent Nos. 2-4 (impleaded as Defendant Nos. 2 to 4 in CS(OS) No. 524/2024) and the Appellant's compliance is limited to effecting service as provided under this order and will thereby fasten no liability on the Appellant for Respondent Nos. 2-4's actions or inactions. Notwithstanding the foregoing, Respondent Nos. 2-4 will be at liberty to raise all defences available to them in accordance with the law in CS(OS) No. 524/2024

D. It is made clear that all legal issues raised in this Appeal shall remain open.”



6. The parties are held bound by the aforesaid settlement. It is clarified that the learned Single Judge is free to proceed ahead in accordance with law. The rights and contentions of all the parties are left open.

7. As a token of acceptance of this order, the two advocates on record are directed to sign the order sheet.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 11, 2024

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