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

+ **CS(OS) 543/2018 & I.A. 14660/2018**

TV TODAY NETWORK LIMITED AND OTHERSPlaintiffs

Through: Mr. Hrishikesh Baruah, Mr. Anurag Mishra and Mr. Kumar Kshitij, Advocates.

versus

SANATAN SANSTHA & OTHERSDefendants

Through: Ms. Amita Sachdeva, Advocate for defendant no. 1 alongwith Shri Virendra Marathe, Authorized Representative for D-1.
Mr. Rohan Rohtagi, Mr. Ankush Mahajan, Advocates for defendant no. 3 with defendant no. 3 (through VC)

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Date of Decision: 30th September, 2024

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T(ORAL)

CS(OS) 543/2018

1. This is a suit for permanent injunction, mandatory injunction and damages filed against three (3) defendants.

Defendant no.3

2. Learned counsel defendant no. 3 states that defendant no.3 has made a statement before this Court on 02.02.2024 and defendant no. 3 is in full compliance of the said statement. He states that the suit may be disposed of *qua* defendant no. 3 in terms of the statement dated 02.02.2024 and defendant no. 3 undertakes to remain bound by the said statement. He states



that in the main suit there is otherwise no prayer clause directed against defendant no. 3.

2.1. Learned counsel for the plaintiffs' state that he has no objection to the said prayer of defendant no. 3 in view of his undertaking given to this Court today.

3. In view of the undertaking of defendant no.3 and consent of the plaintiffs, the suit is disposed of *qua* defendant no.3, binding him down to the undertaking given today with respect to his statement recorded on 02.02.2024.

Defendant No.1

4. Learned counsel for the defendant no. 1 states on instructions of Mr. Virendra Marathe, the Authorized Representative of defendant no.1 that she as well has instructions to state that defendant no. 1 has not uploaded the impugned posts (filed at pages 2-20 of the plaintiffs document) and defendant no. 1 undertakes that it shall not post/repost the impugned posts in future as well.

4.1 She states to that extent defendant no. 1 is willing to suffer a decree for permanent and mandatory injunction in terms of prayer clauses (a) and (b). She states that in view of the aforesaid statement, the plaintiffs may consider withdrawing the prayer clause (c) of damages *qua* defendant no.1.

5. In response, learned counsel for the plaintiffs' states that in view of the undertaking given by defendant no. 1, he has instructions to state that he will withdraw prayer clause (c) with respect to damages *qua* defendant no. 1 and prays that the decree for permanent injunction and mandatory injunction be passed against defendant no. 1.

6. In view of the statements of plaintiffs and defendant no. 1 a decree of



permanent and mandatory injunction is hereby passed against defendant no. 1 in terms of prayer clauses (a) and (b).

7. The statement of the plaintiffs withdrawing its claim of damages *qua* defendant no. 1 is taken on record and plaintiffs is bound down to the same.

8. The registry is directed to draw up a decree sheet *qua* defendant no. 1 in terms thereof.

Defendant no.2

9. With respect to defendant no. 2, learned counsel for plaintiffs' state that defendant no. 2 has been duly served in these proceedings as recorded in order dated 10.01.2019, however, defendant no. 2 has elected to not participate in these proceedings.

9.1 He states that after the filing of the present suit no further posts akin to the impugned posts have been uploaded by defendant no. 2 either.

9.2 He states there is an interim order dated 25.10.2018 operating in this suit which binds defendant no. 2 and restrains defendant no. 2. He states that plaintiff would be satisfied if a decree of permanent injunction is passed against defendant no. 2 and the suit is disposed of. He states that the plaintiff reserves its right to claim damages against defendant no. 2 in case there is any violation of the injunction order by defendant no. 2.

10. In view of the fact that defendant no. 2 has elected to not contest the suit despite service of summons or the interim restraint order dated 25.10.2018 operating for past six (6) years, it is evident that defendant nos. 2 has no defence to offer against the averments made in the plaint. The said defendant no. 2 has not filed any written statement in these proceedings. Accordingly, in exercise of its power under Order VIII Rule 10 CPC, the present suit is disposed of *qua* defendant no. 2 by making the order dated



25.10.2018 absolute *qua* defendant no. 2 and to that extent a decree of permanent injunction in terms of prayer clause (a) is passed against defendant no. 2.

11. The registry is directed to draw up a decree *qua* defendant no. 2 in terms thereof.

12. The relief of damages *qua* defendant no. 1 is permitted to be withdrawn with liberty reserved to the plaintiffs to seek a claim of damages against defendant no. 2, in case there is any violation by defendant no. 2 of this decree of injunction.

13. With the aforesaid directions, the suit along with all the pending applications stands disposed of.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 30, 2024/mt/sk

Click here to check corrigendum, if any