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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 42/2026, CM APPL. 21148/2026, CM APPL. 21149/2026**
& CM APPL. 21150/2026
KHANSA JUNEDAppellant

Through: Mr. Arjun Dewan, Mr. Shaurya Mittal
& Mrs. Vanya Chhabra, Advocates.

versus

NIDISH GOPALKRISHAN NAIR & ORS.Respondents

Through: Ms. Shyel Trehan, Sr. Advocate with
Ms. Priyadarshini Dewan, Ms.
Shankari Mishra, Ms. Niti Khanna &
Ms. Vidhi Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

% **02.04.2026**

1. The present appeal under Order XLIII Rule 1 of the Code of Civil Procedure, 1908 (*hereinafter referred to as the 'Code'*) read with Section 10 of the Delhi High Court Act, 1966 has been preferred against the order dated 20.03.2026 passed by learned Single Judge on the application under Order XXXIX, Rule 1 and 2 of the Code seeking an ad-interim injunction.
2. The appellant (defendant No.1) feels aggrieved by the direction contained in Paragraph No.58 of the above-referred order whereby she was directed to take down/remove the post she had published on social media platform namely, 'X', while directing that the matter shall be posted after 6 weeks.
3. It will be apt to highlight the part of the directions which have been oppugned by the appellant, particularly Paragraph no.58 of the order:

"Under the circumstances, it is deemed appropriate to direct the defendant no.1; defendant nos. 3 and 4; online platform operating under the name



„OBNews“ on the platform of defendant no. 5; and an Instagram page named „Pardafaash Media“ operating on the platform of defendant no. 6, not to publish any post making identical or similar defamatory allegations against the plaintiff, till the next date of hearing. Ordered accordingly. Further, the following defendants are directed **to forthwith take down/remove the defamatory posts published on the social media platforms, namely X (defendant no. 2), Google LLC (defendant no. 5) and Meta Platforms LLC (defendant no. 6), as tabulated below, and maintain that position, till the next date of hearing.**

S.No.	Defendant no(s) who are directed	URLs to be removed
1.	1	https://x.com/khansa_juned/status/2031583314134638607?s=12&t=BdXK39amWKNemF6T4Z_mjA
2.	7	https://x.com/RichaChadha/status/2031616265853550986 , if not already removed
3.	3	https://ndtv.in/india/i-was-sleeping-and-he-was-touchingmeinappropriately-female-journalist-molested-on-indigo-flight-11199142
4.	4	https://share.google/mBahcx6bq9Kh47yOH
5.	5	https://share.google/vCy0LuROQ939mC7DT
6.	6	https://www.instagram.com/reel/DVxAKAPE5GI/?igsh=NTdudzNsMWJjd3dl

(emphasis supplied)

4. A look at the directions reproduced hereinabove undeniably reveals that what is impugned in the present appeal is an ad-interim injunction passed by learned Single Judge on an application under Order XXXIX, Rule 1 and 2 read with Section 151 of the C.P.C.

5. Having regard to the nature of the impugned order (ad-interim injunction) we asked ourselves a question, as to whether is it a fit case warranting our interference under Section 10 of the Letters Patent?

6. We were reminded of our rather recent judgment dated 16.03.2026 rendered in **FAO(OS) (COMM) 31/2026** titled **Asian Hotels North Limited**



v. Exclusive Capital Limited & Ors. wherein while leaving the doors of the Appellate Court open, we have formulated following yardsticks for interference:

“21. Though in our order dated 27.02.2026, we have held the instant appeal to be maintainable but while doing so we had clearly observed that while interfering with an interlocutory order, the Appellate Court is required to keep the bar very high. The yardstick which has been laid vide various other judgments of Hon’ble the Supreme Court, including the judgment in the case of Wander (supra) does not allow us to interfere to the extent prayed for by the appellant. We hereby elucidate or delineate the scope of interference by the Appellate Courts, while hearing an appeal under Order XLIII Rule 1(r) of the CPC laying challenge to the orders granting or refusing an ad-interim relief/order:-

(i) keeping the bar high would necessarily mean that while interfering in the orders granting or refusing an ad-interim relief/order, the Appellate Court should consider as to whether the grant of the interim relief has seriously prejudiced the cause and rights of the appellant before it.

(ii) in case of non-grant of interim relief, the Appellate Court considering the appeal under Order XLIII Rule 1 (r), CPC should record a finding as to what substantial prejudice has been caused to the appellant on account of interim relief not being granted.

(iii) unless the appellant challenging the ad interim injunction granted in an application under Order XXXIX Rules 1 & 2, CPC, is able to demonstrate that ad-interim relief, which has been granted or refused during the pendency of stay application, is based on no material or the Court granting such relief has no jurisdiction to entertain the suit.

(iv) non-grant of ad-interim relief has posed serious threat to the property or has caused irretrievable injury to the appellant.

(v) the Appellate Courts would entertain such appeals only if the appellant is able to show urgency of such a nature that unless interfered immediately, the whole purpose of the suit would be frustrated.”

(emphasis supplied)

7. The facts, in short, which propelled the plaintiff (respondent no.1 herein) to file a suit are that on 11.03.2026, the appellant (defendant no.1 in the original suit) boarded a morning flight from Indira Gandhi International Airport, Delhi for Chhatrapati Shivaji Maharaj International Airport (CSIA),



Mumbai and was sitting on a seat next to him. It is the specific case of the appellant that the respondent sexually harassed her by inappropriately touching her.

8. What is relevant here, is that at approximately 09:39 am, she posted on her 'X' (formerly Twitter) account a remark that the respondent had sexually harassed her along with picture of the respondent apparently in the airplane itself, thereafter she lodged an FIR against the respondent as well at 12:27 pm on the very same date.

9. We neither want to enter into the correctness of the allegation or otherwise of their veracity.

10. The said suit which was instituted for injunction was accompanied with an application for temporary injunction requiring the appellant (defendant no.1) and various other defendants to remove the posts relating to such incident alleging the same to be false.

11. The learned Single Judge, in the impugned order dated 20.03.2026, upon a prima facie appreciation of the material, recorded a finding that the disclosures made by the appellant in her tweet were not only overhasty but had the tendency to trigger a media trial and that unregulated dissemination of allegation in the public sphere, particularly through social media, carries the real and immediate risk of engendering a parallel 'media trial', which may prejudice the fairness of investigation, influence public perception, and inflict irreversible harm upon the reputation and dignity of the person accused, even prior to the adjudication.

12. Mr. Arjun Dewan, learned counsel for the appellant, vehemently argued that the learned Single Judge was not justified in directing, as an interim measure requiring the appellant to remove the post on her twitter



handle. He argued that what the appellant had posted was well within her right to portray and highlight an untoward incident which had happened with her while travelling.

13. He argued that the appellant had written nothing beyond what had transpired and it falls well within her Right of Freedom of Speech and Expression being a Fundamental Right guaranteed by Article 19(1)(a) of the Constitution of India.

14. He thus argued that impugned direction given by the learned Single Judge impinges upon appellant's Fundamental Rights and when there is a conflict between Fundamental Right of a citizen *vis-a-vis* a Civil Right of another citizen, Fundamental Right should be given precedence.

15. Ms. Shyel Trehan, learned Senior Counsel for the respondent, on the other hand, submitted that the respondent is a partner in a reputed firm and because of such post which was factually incorrect and was motivated with an intent to malign his image, not only the respondent's image has been tarnished but the same has also led to various civil consequences, including suspension from his firm.

16. She argued that the appellant's Right to Privacy and Reputation have been violated by the act of the appellant and thus learned Single Judge was justified in issuing the subject injunction while giving due weightage to the respondent's Fundamental Right under Article 21 of the Constitution of India.

17. We were otherwise hardly inclined to interfere after hearing the rival counsel for some time, but then Ms. Vanya Chhabra associate counsel of Mr. Arjun Dewan sought leave to intervene by contending that she would be addressing the Court how the social media platform 'X' works. Hence, we



granted her indulgence. But to our shock, she unnecessarily unraveled the details of the incidents which were neither necessary nor germane to the issue before us.

18. Be that as it may, instead of writing all what she disclosed, we give a quietus to such issue herein itself, in order to maintain the dignity of the appellant herself.

19. Heard learned counsel for the parties.

20. We hereby propose to examine as to whether the grounds of interference highlighted by us hereinabove and delineated by us in our judgment ***Asian Hotels North Limited v. Exclusive Capital Limited & Ors., (supra)*** are available in the instant case.

21. So far as the first ground, namely, ‘the grant of interim relief has seriously prejudiced rights and cause of the appellant before it’ is concerned, according to us, by way of impugned directions, the learned Single Judge has directed the appellant to remove her contentious post from social media platform ‘X’ until the next date of hearing. The said post has undeniably remained online from 09:39am of the date of incident until today. Whatever purpose or cause maybe *bona fide* for which it was posted, has already been served for about 22 days. It cannot, therefore, be said that the ad-interim relief granted by learned Single Judge will prejudice the appellant’s rights and cause, as her basic grievance against the respondent in relation to sexual harassment is being ventilated through an FIR lodged by her. And if the post remains out of air for some time, or may be permanently, it cannot be said that any of her rights got prejudiced much less infringed.

22. The second available ground being the third ground of interference delineated by us above is whether the ad-interim relief granted by learned



Single Judge is based on no material or whether the Court granting such relief has no jurisdiction to try the suit. Insofar as jurisdictional part is concerned, there is no quarrel. The issue which remains to be dilated upon is, as to whether the ad interim injunction which has been granted is based on no material? Our answer to this question would be in negative, because the learned Single Judge so also this Court has gone through the post which the appellant had posted on social media platform 'X'. The same not only contains respondent's photograph, taken while he was sitting in a window seat on an airplane, but also includes assertion alleging sexual harassment. The learned Single Judge, on a *prima-facie* appraisal of the material found the same to be unwarranted and hasty. The learned Single Judge may or may not be right in concluding so; however, that constitutes his subjective satisfaction and an exercise of discretion, which is vested in him while dealing with an application under Order XXXIX Rules 1 & 2 of the Code. We are unable to conclude that the exercise of such discretion is based on no material. This ground of interference is, therefore, non-existent in the extant case.

23. The third count on which the appeal can be entertained (being the fifth ground delineated by us) is where the appellant is able to show grave urgency such that, unless immediate interference is warranted, the very purpose of filing a suit would be frustrated. We do not think that any detailed deliberation is required on this aspect in the present case. As already indicated by us, if the appellant removes the post until the next date of hearing, it will hardly have any bearing on her civil rights or her purported Fundamental Right to Freedom of Speech and Expression guaranteed under Article 19(1)(a) of the Constitution of India. The right under Article 19(1)(a)



is not an absolute right and the same is always circumscribed by reasonable restrictions. The order of learned Single Judge, in our opinion, does not amount to curtailment of her right. By striking a balance between the appellant's right under Article 19(1)(a) *vis-a-vis* the respondent's right under Articles 21 and 19(1)(g) of the Constitution of India, the learned Single Judge, in his wisdom, has deemed it appropriate to direct the appellant to take down the post. If the appellant's purported Fundamental Right under Article 19(1)(a) is suspended for some time, it cannot be said that there is a grave urgency warranting immediate interference. That apart, interfering in the order under consideration will disturb such balance for no sustainable reason.

24. Thus, viewed from any angle, the case in hand does not call for interference in appellate jurisdiction, in light of the test laid down in ***Asian Hotels North Limited (supra)***.

25. The appellant has not been able to satisfy us that an irreparable loss will be caused to the appellant if the direction issued by learned Single Judge is carried out because the post in any case has remained up on the social media platform almost for 20 days.

26. Subject to reasonable restrictions, it is undoubtedly open to an individual to express an opinion or perception, even in relation to personal experiences. However, a clear distinction must be maintained between expression of opinion and the publication of allegations in a manner that presents them as established facts, particularly when such allegations are yet to be tested in accordance with law. The position becomes more serious where such assertions are accompanied by visual material-such as a photograph of the person concerned, which when placed in a particular



context, creates a definitive impression of culpability.

27. The appellant's insistence, bordering on adamancy to keep this post on her account on the social media platform 'X' shows that the Appellate Jurisdiction is being misused for the purpose of battle of ego rather than as recourse against the sexual harassment that she might have suffered.

28. As a parting remark, we would like to mention that the matter was otherwise listed before another Division Bench which was not holding the Court and the same was mentioned and listed before us as if the heavens were falling.

29. In view of the discussion foregoing, the appeal is dismissed.

30. The appeal stands disposed of along with pending applications.

DINESH MEHTA, J.

VINOD KUMAR, J.

APRIL 2, 2026/nk