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

+ CS(OS) 80/2018

PEPSICO INDIA HOLDINGS PRIVATE LTD..... Plaintiff

Through Mr.Rajiv Nayar, Sr.Adv. with
Mr.Dheeraj Nair, Mr. Manish K. Jha, Mr.Kunal
Chaturvedi and Mr.Saurabh Seth, Advs.
versus

FACEBOOK & ORS. Defendant

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **23.02.2018**

IA No. 2621/2018 (exemption)

Allowed subject to all just exceptions.

IA No. 2622/2018 (u/S 149 CPC)

The time for filing the court fee is extended by three days.

The application is disposed of.

IA No. 2623/2018 (u/O 7 R14 & u/S 151 CPC)

The application is allowed.

CS(OS) 80/2018

Let the plaint be registered as a suit.

Issue summons to the defendants through ordinary process and speed
post, returnable for 02.05.2018.

IA No. 2620/2018 (u/O 39 R 1 & 2 CPC)

Issue notice to the defendants through ordinary process and speed
post, returnable for 02.05.2018.

The present suit is filed by the plaintiff seeking a decree of permanent and mandatory injunction directing the defendants to take down, remove, or block/restrict access to the URLs/weblinks as mentioned in the list of documents. Other connected reliefs are also sought.

The grievance of the plaintiff is that on 5th and 8th February 2018, the plaintiff came across a video posted at the Facebook website and the YouTube website wherein the maker of the video, an anonymous person has claimed that the potato chips under the brand LAY'S is harmful for consumption as it contains plastic. It is pointed out that as per the video the consumption of LAY'S chips would result in death of the consumer. It is pleaded that the contents of the video are baseless and reckless without any regard to the truth and without due care or verification. Reliance is placed on the licenses issued by the Food Safety and Standards Authority of India to contend that the contents of the video are entirely baseless and mischievous. The plaintiff has made out a prima facie case.

Till the next date of hearing, the defendants will take steps to block the URLs/weblinks or any other similar video which are mentioned at pages 4 to 7 of the list of documents filed by the plaintiff.

Plaintiff to comply with Order 39 Rule 3 CPC within four days from today.

A copy of this order be given Dasti under the signatures of the Court Master.

JAYANT NATH, J

FEBRUARY 23, 2018

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