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

+ **CS(OS) 256/2018**

D B CORP LIMITED

..... Plaintiff

Through: Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Neeraj Malhotra, Senior Advocate, Mr. Hemant Singh, Advocate, Mr. Bisu Mattam, Advocate, Mr. Nishant Kumar, Advocate, Ms. Ankita Babna, Advocate and Ms. Aastha Chawla, Advocate.

versus

FORUM FOR MEDIA AND LITERATURE & ORS

..... Defendants

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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24.05.2018

I.A. No.7322/2018 (exemption)

1. Exemption allowed subject to just exceptions.

I.A. stands disposed of.

+CS(OS) No.256/2018 and I.A. No.7323/2018 (stay)

2. Learned senior counsel for the plaintiff argues that tele-communications conversations between persons since in many cases, and

CS(OS) No.256/2018

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was in this case, without any intention necessarily for the same to be a correct position in fact, the defendants cannot rely upon the same as if it was the only and the correct intention of the persons with whom the defendant no.1 and its agents had with the persons stated in the e-mail dated 10.5.2018. It is also argued that essentially either the stand of the defendants will be of fake news being generated or news generated which would reflect a particular ideology whereas the fact of the matter is that there does not arise at all any issue of any fake news, with the fact that having an ideology which is not illegal cannot prevent, assuming for the sake of arguments such a situation existed, to have a particular ideology. It is argued that entire object of the defendants is to sully the reputation of the plaintiff company which is a company having established reputation because it publishes the Dainik Bhaskar Group of Publications. It is also argued that in the e-mail dated 10.5.2018 and the related communications there is a whiff/scent of the endeavour of the defendants to arm-twist the plaintiff for illegal benefit . It is also argued on behalf of the plaintiff that it is not necessary that any and every talk of an agent or employee or staff of the plaintiff company necessarily should be taken as that of the plaintiff company itself and which

has a separate and independent existence apart from individuals who may be holding different positions of employment in the plaintiff company. It is further argued on behalf of the plaintiff that defendants are, if not anything else, only intending to enter into area of sensationalism and sensational journalism, and once if the said e-mail dated 10.5.2018 or the documentary “Operation 136: Part II” is allowed to be released in public domain, then, irreparable loss and injury will be caused to the reputation of the plaintiff which cannot be undone. It is argued that the defendants are going to release the documentary “Operation 136: Part II” on 25.5.2018, and therefore, the plaintiff if is not granted the exparte interim orders, the suit itself would become infructuous. It is also argued that whereas irreparable loss and injury will be caused to the plaintiff if no exparte interim orders are granted, no such injury will be caused to the defendants because in case this Court finds after hearing the parties that the said documentary or the e-mail dated 10.5.2018 or any other information ought to be released in the public domain, thereafter it can be so done by the defendants.

3. In view of the arguments urged on behalf of the plaintiff, till further orders unless varied by the Court, defendants are restrained from in

any manner releasing in public domain the documentary “Operation 136: Part II” in any manner including at the Press Club of India on 25.5.2018 at 3.00 P.M. and defendants are also further restrained from in any manner releasing in public domain the e-mail dated 10.5.2018 and other related tele-communications. Plaintiff will comply with the provision of Order 39 Rule 3 of Code of Civil Procedure, 1908 (CPC) within three days.

4. Summons in the suit and notices in the application be issued to the defendants, on filing of process fee, both in the ordinary method as well as by registered post AD, returnable on 4th July, 2018.

5. Dasti under the signatures of the Court Master.

VALMIKI J. MEHTA, J

MAY 24, 2018

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