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

+ CS(OS) 123/2017 & IAs No.3239/2017 (u/O XXXIX R-1&2 CPC) & 4604/2017 (of D-11 for deletion)

MAHESH MURTHY ..... Plaintiff

Through: Mr. Sandeep Sethi, Sr. Adv. with Ms. Bani Dikshit, Adv.

Versus

POOJA CHAUHAN & ORS. .... Defendants

Through: Ms. Rachna Maheshwary, Adv. for D-1.

Ms. Suhasini Sen, Adv. for D-2.

Ms. Swathi Sukumar, Adv. for D-3&4

Mr. K.P.S. Kohli and Mr. Mahipal Singh, Advs. for D-7.

Mr. Ishwar Mohanty, Adv. for D-8.

Mr. Sumeet Nagpal and Ms. Swaty S. Malik, Advs. for D-10.

Mr. Deepak Gogia and Mr. Kanishk Kumar, Advs. for D-11.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **18.04.2017**

1. Though the report of service of defendants No.1 to 7 & 9 to 12 is awaited and defendant No.8 is reported to be unserved but the senior counsel for the plaintiff states that affidavit of service of all the defendants has been filed.

2. The counsel for the defendant No.2, counsel for the defendants No.3&4, counsel for the defendant No.10, counsel for the defendant No.1, counsel for the defendant No.8 and counsel for the defendant No.7 appear and seek time to file written statement / reply.

3. The defendant No.11 has filed IA No.4604/2017 for deletion of defendant No.11 contending that twitter accounts originating from outside United States of America (USA), including India, are held by an Irish company namely Twitter International Company, The Academy, 42, Pearse Street, Dublin 2, Ireland.
4. IA No.4604/2017 is disposed of by substituting defendant No.11 Twitter Communications India Private Limited with Twitter International Company, The Academy, 42, Pearse Street, Dublin 2, Ireland.
5. The plaintiff to file amended memorandum of parties and to take steps for service of the substituted defendant No.11 by all modes including through courier and electronic returnable on 19<sup>th</sup> July, 2017.
6. The counsel for the defendants No.3&4 also states that she has filed an application for deletion of defendants No.3&4.
7. However, on hearing the counsel for the defendants No.3&4, it appears that there are no grounds for deletion of defendants No.3&4, as the defendants No.3&4 are contesting the claim in the plaint on merits.
8. None appears for the defendants No.5,6&9.
9. There is no reason to disbelieve the affidavit of service. The defendants No.5,6&9 are proceeded against *ex-parte*.
10. Written statement/reply be filed within four weeks as sought.
11. Till further orders, the defendants are restrained from, in any manner, directly or indirectly publishing and/or commenting and/or communicating and/or issuing any article, interview and material to the public in any manner whatsoever, containing or referring to the allegations contained in the posts subject matter of the suit.

12. The provisions of Order XXXIX Rules 1&2 of CPC be complied forthwith qua the *ex-parte* defendants.

**RAJIV SAHAI ENDLAW, J.**

**APRIL 18, 2017**

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