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

+ **CS(OS) 362/2022**

ANISH SINGH THAKUR Plaintiff

Through: Mr. Shambo Nandy, Advocate.

versus

THROUGH ANUBHAV GUPTA Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **03.06.2022**

I.A. 9612/2022 (for exemption)

1. Subject to the plaintiff filing the original, certified, clear, legible copies of any documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

I.A. 9613/2022 (u/S 149 CPC)

3. Subject to the plaintiff depositing the deficit court fees within one week from today, the present application is allowed.

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4. Let the plaint be registered as a suit.
5. Issue summons in the suit through all modes. The summons shall indicate that the written statement shall be filed within thirty days from the receipt of summons. Along with the written statement, the defendant shall also file an affidavit of admission/denial of the documents of the plaintiff.
6. Liberty is granted to the plaintiff to file replication to the written

statement within fifteen days from the receipt of the written statement. Along with the replication filed by the plaintiff, an affidavit of admission/denial of the documents of the defendant, be filed by the plaintiff.

7. List before the Joint Registrar on 7th September, 2022 for completion of service and pleadings.

I.A. 9614/2022 (O-XXXIX R-1 & 2 of CPC)

8. The present suit has been filed by the plaintiff seeking a decree of permanent injunction as well as damages on account of defamatory material posted by the defendant against the plaintiff.

9. The plaintiff is the proprietor of “Booming Bulls Academy” which runs an academy that gives training on how to trade in the share market. The plaintiff has a channel on YouTube where the training videos are posted.

10. It is stated in the plaint that defendant also runs a channel on YouTube in the name “Bear & Bulls Capitals”, which is a competitor of the plaintiff.

11. It is the case of the plaintiff that the defendant has been posting defamatory and derogatory commercial videos against the plaintiff on his YouTube channel which is causing grave damage to the reputation and business of the plaintiff’s company.

12. Attention of the Court has been drawn to the transcripts of 8 videos dated 29th June, 2021, 3rd July, 2021, 7th July, 2021, 25th December, 2021, 26th December, 2021, 29th December, 2021, 12th January, 2022 and 20th January, 2022 posted by the defendant on his YouTube channel.

13. Issue notice.

14. Notice be issued to the defendant through all modes.

15. Reply be filed within four weeks.

16. Rejoinder thereto, if any, be filed within two weeks thereafter.
17. The video transcripts placed on record by the plaintiff are *prima facie* defamatory and derogatory towards the plaintiff. Grave harm and injury shall be caused to the plaintiff unless the defendant is restrained from posting similar defamatory videos against the plaintiff.
18. From the averments made in the plaint and the documents filed therewith, this Court finds that the plaintiff has made out a *prima facie* case in his favour and in case no ex-parte ad-interim injunction is granted to the plaintiff, he would suffer an irreparable loss. Balance of convenience also lies in favour of the plaintiff and against the defendant.
19. Consequently, till the next date of hearing, the defendant is restrained from in any manner posting any defamatory or derogatory material against the plaintiff, similar to the one that has been posted in the aforesaid videos, in any media platform.
20. Further, the defendant is directed to take down the aforesaid 8 videos dated 29th June, 2021, 3rd July, 2021, 7th July, 2021, 25th December, 2021, 26th December, 2021, 29th December, 2021, 12th January, 2022 and 20th January, 2022 which have been uploaded by the defendant on his YouTube channel within a period of two weeks from receiving the summons of the present suit.
21. Compliance report under Order XXXIX Rule 3 of the Civil Procedure Code, 1908 (CPC) be filed within five days.
22. List before the Court on 28th November, 2022.

AMIT BANSAL, J.

JUNE 3, 2022/at