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Ravi Nair and Ors. Vs. Adani Enterprises Ltd. And Ors.
MCA No. DJ/30/2025

18.09.2025 (At 01:00 pm)

This appeal has been received in the Court on assignment. Let it be checked and registered.

Present: Ms. Vrinda Grover, Ld. Counsel for appellants through VC.
Mr. Nakul Gandhi, Ld. counsel for appellants.

Mr. Nakul Gandhi, Ld. counsel for appellants has informed this court that there is a connected appeal which has been assigned to the Court of Sh. Sunil Chaudhary, Ld. District Judge, North-West District, Rohini Courts, Delhi. It is submitted that Ld. counsel for appellants that he will try to inform the office of Ld. Principal District Judge that connected appeals have been assigned to two different courts, and he will try to have the present case transferred to the Court of Sh. Sunil Chaudhary, Ld. District Judge, North-West District, Rohini Courts, Delhi. It is urged that the case may be passed over to be taken up at 02:00pm because in case the appellants do not succeed in having the case transferred, they may want to advance arguments on the appeal since they are praying for urgent relief.

At the request of Ld. Counsel for appellants, the case is passed over to be taken up at 02:00pm.

(Ashish Aggarwal)
District Judge-III
North-West District,
Rohini Courts, Delhi
18.09.2025

18.09.2025 (At 02:00 pm)

Present: Ms. Vrinda Grover, Ld. Counsel for appellants through VC.
Mr. Nakul Gandhi, Mr. Mujeeb, Mr. Tanish Gupta, Mr. Sartik Benerjee, Mr. Denika Tulsiyani, Ld. Counsels for appellants.

(2)

Mr. Jagdeep Sharma, Ld. Senior Advocate with Mr. Vijay Aggarwal, Mr. Sunil Kumar Mittal, Mr. Nitin Ahlawat, Mr. Rajiv Tehlan, Mr. Nagesh Behl, Mr. Ayush Jindal, Mr. Naman Joshi, Mr. Guneet Sidhu, Mr. Verdaan Jain, Mr. Rahul, Mr. Vimal Khurrana, Ms. Ashu Goyal, Mr. Kaartikey, Ms. Shriya, Ms. Muskan Aggarwal, Mr. Rajat Jain, Mr. Shekhar Pathak, Ms. Aarti Vohra, Mr. Rajeev Sharma, Mr. Sachin Khatri, Mr. Ajay Gupta, Mr. Dhruv Derolia, Mr. Rishab, Mr. Mayank Sharma, Ld. Counsels for respondent no.1.

Ld. counsel for respondent no. 1 (plaintiff before Ld. Trial Court) are appearing before this court on the basis of caveat.

Mr. Nakul Gandhi, Ld. counsel for appellants submits that preferring a transfer petition may consume time and that the appellants will advance arguments before this court today. He submits that an application for stay of the impugned order has been filed with the appeal petition and that the said application may be decided.

Ld. counsel for respondent no. 1 submits that he has no objection if arguments are heard by this court.

In view thereof, the appeal petition is taken up for arguments.

Arguments on the appeal are advanced by Ms. Vrinda Grover, Ld. Counsel for appellants.

Let notice of the appeal be issued for service upon respondent no. 1. Notice is accepted on behalf of respondent no. 1 by its Ld. counsel who is present in court.

Ms. Vrinda Grover, Ld. counsel for appellants has prayed for stay of the impugned order dated 06.09.2025.

Ld. counsel for respondent no. 1 submits that he would like to file reply to the appeal petition. He submits that he requires a short date for filing of reply. Let reply be filed within two weeks from today.

(3)

On the basis of the arguments advanced before this court, I find that the case is fit for stay of the impugned order dated 06.09.2025 since extensive directions have been passed by the Ld. Trial Court without hearing the appellants.

At this stage, Ld. counsel for respondent no. 1 submits that he is willing to advance arguments for final disposal of the appeal and that the appeal may be disposed of today itself.

In view of the submissions advanced, the appeal is taken up for final disposal.

I have heard detailed arguments advanced by Ld. counsel for respondent no. 1.

By the impugned order dated 06.09.2025, the Ld. Senior Civil Judge, North-West District, Rohini Courts has observed that certain statements made by the defendants are *prima facie* defamatory. The Court of Ld. Senior Civil Judge has passed the following directions:

“22. However, this Court is also conscious of sacrosanct principle of freedom of speech guaranteed under the Constitution of India and enshrined in Article 19 (1) (a), at this stage, instead of issuing a blanket order on restraining defendants no. 1 to 9 from fair, verified and substantiated reporting and from hosting, storing/circulating such articles /posts/URLs, it would suffice the interest of justice to restrain defendants no. 1 to 10 from publishing/distributing/ circulating unverified, unsubstantiated and ex-facie defamatory reports about the plaintiff allegedly tarnishing the reputation of the plaintiff till the next date of hearing as sought vide prayer clause C, D and E of the injunction application. Further, the plaintiff has also sought removal of such defamatory material by defendants no 1 to 10 vide prayer clause A of the application. To the extent that the articles and posts are incorrect and unverified and prima facie defamatory, defendants no. 1 to 10 are also directed to expunge such defamatory material from their respective

(4)

articles/social media posts/tweets and if the same is not feasible, remove the same within 5 days from date of this order. Also, attention of defendants are drawn to Rule 3 of Information Technology (Intermediary Guidelines and Digital Media Ethics Code), Rules 2021 requiring due diligence by the intermediary in hosting/storing/publishing such material. Specifically, attention of the defendants is also drawn to Rule 3(1)(d) of the aforesaid IT Rules, it is also incumbent upon the intermediary to remove/disable access to such content within 36 hours from receipt of such order of the Court or on being notified by the Appropriate Government or its agency. However, the same shall be subject to preservation of such information and associated records without vitiating the evidence for 180 days or such longer period as required by the Court or Government Agencies. Further, plaintiff sought liberty to provide hyper links of defamatory material published by the defendant no.9 to concerned intermediaries. The plaintiff is given opportunity to apply to intermediaries/concerned agencies with details of the URLs/posts/hyperlinks/articles on the basis of this order and intermediaries/concerned agencies are directed to take down/remove the alleged defamatory articles/posts/URLs whereby the prime facie defamatory material is published against the plaintiff within 36 hours, however they shall preserve the contents and record till further orders from this Court.

23. It is clarified that this order shall not have a bearing on the merits of the matter and shall not be construed to restrain any person from reporting about investigation and court proceedings in relation to the allegations so long as it is fair and accurate reporting based on substantiated and verified material.

24. It is clarified that, in case the plaintiff comes to know of any other similar social media posts/articles/posts/ URLs, it shall be open to the plaintiff to communicate the same to the defendants no.1 to 10 and concerned intermediaries and thereafter defendants no.1 to 10 and concerned

(5)

intermediaries shall, till further orders of this Court, remove the same.”

From the above, it can be seen that the Ld. Trial Court has noted that the articles and posts put out by the appellants are incorrect and unverified. The said articles and posts have been directed to be expunged.

Unless the appellants are heard, it is not open to the court to infer that the appellants have made unverified, inaccurate and irresponsible statements. Until this exercise is undertaken and a determination is made, at least prima facie, that the articles are incorrect, defamatory and unverified, the articles cannot be shunted out from the public domain, lest this will fall foul of Article 19 (1) (a) of the Constitution of India and will be a serious violation of the freedom of speech and expression.

By the impugned order, the plaintiff has been given the liberty to expand the scope of the suit by bringing within its fold articles that may be written in future by other persons on which there is no finding yet of them being libellous. The plaintiff is not asked to amend the plaint so as to challenge the said articles that might be written in the future. The plaintiff has been empowered to directly obtain removal of those articles on the basis of his own opinion that they are unfavourable. It is only when the author of those articles defies the direction and is hauled up for contempt, that there may possibly be a judicial determination of whether the article indeed was defamatory.

Such directions expose authors to contempt proceedings without prior adjudication of whether their statements are defamatory, thereby depriving them of an opportunity to defend themselves. It has also been left open to the intermediaries to themselves determine whether the articles pointed out by the plaintiff are indeed defamatory. Such directions would keep a sword hanging over the fate of every person who may make a statement which is critical of, and considered unflattering by, the plaintiff and the said author may remain in a constant perilous state, thereby being dealt a chilling

(6)

effect. When such far reaching directions were proposed to be passed, the Ld. Trial Court ought to have, in my opinion, granted a prior opportunity to the defendants to put forth their stance, more particularly when the articles and posts were in the public domain for about an year.

Thus, in my opinion, the court of Ld. Senior Civil Judge ought to have granted an opportunity of hearing to the defendants before passing an order which had the effect of declaring their statements to be irresponsible and defamatory.

The effect of removal of the articles by an ad interim ex-parte order is sweeping and has the effect of decreeing the suit itself without a trial because the articles cannot be restored to the respective platforms and the damage cannot be undone if the Court were to later find that the articles were actually not defamatory.

Therefore, the Ld. Trial Court should have decided the prayers made by the plaintiff after giving an opportunity of hearing to the defendants. That not having been done, in my opinion, the impugned order dated 06.09.2025 is not sustainable.

I also find that the Ld. Trial Court erred in not bearing in overlooking the provisions of Order 39 Rule 3A of Code of Civil Procedure which mandates that where an ex-parte order of injunction is being passed, an endeavour must be made to finally decide the application under Order 39 Rules 1 and 2 of Code of Civil Procedure within thirty days. While passing the impugned order dated 06.09.2025, the Court of Ld. Senior Civil Judge posted the case for consideration on 09.10.2025. By fixing the next date beyond the period of thirty days, the Ld. Trial Court disempowered itself from deciding the application for interim injunction within the prescribed period.

In view of the above, I allow the appeal and set aside the impugned order dated 06.09.2025 passed by the Court of Ld. Senior Civil Judge, North-West District, Rohini Courts, Delhi, so far as the appellants are concerned.

(7)

No finding is returned on the merits of the case, or on the point of whether the articles and posts in question are indeed defamatory. All contentions of the parties are left open.

It is directed that fresh orders be passed by the Court of Ld. Senior Civil Judge on the application under Order 39 Rules 1 and 2 of Code of Civil Procedure, after hearing the appellants (before this court) and also the respondent no. 1. The court may decide the application uninfluenced by any observation made by this court.

At joint request of the parties, the date for the Ld. Trial Court to take up the application under Order 39 Rules 1 and 2 of Code of Civil Procedure for hearing has been fixed as 26.09.2025 (2.00 p.m.).

At the request of Ld. counsel for respondent no. 1, it is directed that the appellants shall file reply to the application under Order 39 Rules 1 and 2 of Code of Civil Procedure on the next date fixed before the Ld. Trial Court. At the request of Ld. counsel for respondent no. 1, it is further directed that the Ld. Trial Court shall endeavour to decide the application under Order 39 Rules 1 and 2 of Code of Civil Procedure, as far as the appellants before this Court are concerned, by 15.10.2025.

The appeal is disposed of.

File of the appeal petition shall be consigned to record room.

Copy of this order be given dasti to both parties, as prayed.

(Ashish Aggarwal)
District Judge-III
North-West District,
Rohini Courts, Delhi
18.09.2025