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[Cites 1, Cited by 1]

Delhi High Court - Orders

H.H. Lokanath Swami Through Duly ... vs Ms. Saraswati (Sara) Richardson Jones & ... on 15 March, 2023

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ CS(OS) 179/2023

H.H. LOKANATH SWAMI THROUGH DULY CONSTITUTED POWER OF ATTORNEY RALF STEFAN GIESENHAUS S/O VOLKER GIESENHAUS

..... Plaintiff

Through: Mr. Rakesh Taneja, Advocate

versus

MS. SARASWATI (SARA) RICHARDSON JONES & ORS.

..... Defendants

Through: Mr. Ajay Garg, Ms. Tripti Gola, Ms. Lhing Deihat Chongloi and Mr. Arvind Sardana, Advocates for D-1 and D-2
Mr. Tejas Karia, Mr. Varun Pathak, Ms. Amee Rana, Ms. Vibhuti Vashisht and Ms. Ramayani Sood, Advocates for D-3
Mr. Deepak Gogia, Advocate for D-4

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% 15.03.2023

I.A. 5001/2023 (Exemption)

Subject to the plaintiff filing the clear, original and legible/typed copies of any dim documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

The application is disposed of.

CS(OS) 179/2023

1. The instant plaint has been filed on behalf of the plaintiff seeking the following reliefs:-

> "a) Pass a decree of mandatory injunction in favour of the plaintiff and against the defendants thus directing the defendants for immediately resorting to pulling down/

withdrawing any and all imputations, as narrated above, made against the Plaintiff from the social media platforms Facebook, Instagram, Twitter and/or any other platforms not in the knowledge and/or reach of the plaintiff, where the defendants might have published the alleged imputations; and

b) Pass a decree of perpetual prohibitory injunction in favour of the plaintiff and against the defendants thus directing the defendants to immediately refrain and desist from posting, or permitting to be posted, on any and all accounts under their respective controls, any content defaming the plaintiff, now and in the future; and

c) Pass an order thus directing the defendant Nos. 1 and 2 to tender an unconditional apology to the plaintiff to his satisfaction through both print and electronic media; and

d) Pass a money decree thus directing the defendants to pay an amount of Rupees 2,25,000,00 (Rupees Two Crores and Twenty-Five Lakhs Only) as damages/compensation jointly and severally to the plaintiff for defaming the plaintiff; and

e) Award cost of litigation in favour of the plaintiff and against the defendants for having to bring the instant proceedings before this Hon'ble Court for all the reasons attributable to the conduct of the defendants; and

f) Pass such other order or orders, alternatively or in addition as may be deemed just and proper in the interests of justice and in the facts and circumstances of the case."

2. Heard learned counsel for the plaintiff and perused the record.

3. Let the plaint be registered as a suit.

4. Issue summons to defendants. Learned counsels appearing on behalf of defendants no. 1 to 4 accepted summons.

5. The written statement(s) shall be filed within thirty days by the defendants no. 1 to 4 from the date of receipt of summons.

6. Along with the written statement(s), the defendants no. 1 to 4 shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

7. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s). Alongwith the replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

8. List before the Joint Registrar (Judicial) on 25th April, 2023 for completion of pleadings.

9. List before the Court on 7th August, 2023.

I.A. 5000/2023 (Under Order XXXIX Rule 1 and 2)

1. The instant application under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the plaintiff seeking the following reliefs:

"a) pass an ex-parte ad-interim order thus directing the Defendant Nos. 3 and 4 to remove the impugned imputations posted against the plaintiff by defendant Nos. 1 and 2, as pointed out in paragraph 6 of the accompanying captioned suit, from their social media platforms Facebook, Instagram, and Twitter with immediate effect, not permit further such and similar postings by the defendants 1 and 2 until the pendency of the present suit and/or until further orders by this Hon'ble Court;

b) to confirm the above said prayer after notice to the other side; and

c) to pass such other or further order or orders, which this Hon'ble Court may deem just and proper in the interest of justice and in the circumstances of the case."

2. Learned counsel appearing on behalf of the plaintiff submitted that plaintiff is a 73-year-old sanyasi (monk), and a law-abiding citizen, who has never been charged with any crime in India, or in any other country. It is submitted that the plaintiff has approached this Court to seek protection, against the mala fide imputations made by the defendants no. 1 and 2, by the grant of a decree of mandatory injunction directing them for immediately removing, pulling down and withdrawing any and all imputations made against the plaintiff over various Social Media Platforms including Facebook, Instagram and Twitter and also to tender an unconditional apology to the plaintiff to his satisfaction through both print and electronic media.

3. Learned counsel appearing on behalf of the plaintiff further submitted that the plaintiff is further praying for a decree of perpetual prohibitory injunction against the defendants to refrain and desist from posting, or permitting to be posted, on any and all accounts under their respective controls, any content denigrating or defaming the plaintiff, now and in the future.

4. Learned counsel appearing on behalf of the plaintiff submitted that the imputations posted online by the defendants no. 1 and 2 using the social media platforms owned and operated by the defendants no. 3 and 4 have the effect of maligning and tarnishing the hard-earned reputation of the plaintiff in relation to his status that he holds by virtue of his association with ISKCON for over 50 years as a spiritual guru and preacher.

5. It is also stated that these statements of the defendants no. 1 and 2 have exposed the plaintiff to hatred and contempt and have the potential to mislead the plaintiff's disciples and followers worldwide thereby adversely affecting the plaintiff's life and missionary work. In view of the above, immense and irreparable damage shall be caused to the plaintiff if the interim injunction is not granted; therefore a prima facie case is made out as well as the balance of convenience lies in favour of the plaintiff.

6. Issue notice. Learned counsels appearing on behalf of the defendants no. 1 to 4 accepted notice.

7. Learned counsel for the defendants vehemently opposed the instant application as well as the averments and prayers made therein. It is stated that the instant plaint as well as the application in light of the facts and circumstances does not make out a case for grant of ad interim injunction.

8. Keeping in view the contents of the plaint and having heard the learned counsel for the plaintiff, this Court is of the opinion that the plaintiff has been able to make out a good prima facie case in his favour. The balance of convenience also lies in favour of the plaintiff and against the defendants. At this juncture on the basis of the material before it, this Court is of the opinion that the plaintiff is likely to suffer grave irreparable injury to his reputation in case an ad interim injunction is not granted, and the posts made by the defendants no. 1 and 2 are not taken down.

9. Accordingly, in view of the prima facie case being made out as well as in the interests of justice, this Court is inclined to grant ad interim injunction. It is thus directed as under:

> a. The defendants no. 1 and 2 are forthwith directed to delete the said objectionable posts/content as expeditiously as possible within the next 24 hours;
>
> b. The plaintiff is also directed to provide the URLs of any/all objectionable content/imputations made by the defendants no.1 and 2 against him to the defendants no.3 and 4 for appropriate action by the intermediaries;
>
> c. In case of failure of the defendants no. 1 and 2 to delete the said content within 24 hours, the defendants no.3 and 4 are directed to take down all/any objectionable posts/content posted by the defendants no. 1 and 2 against the plaintiff on their respective platforms; and d. The defendants no. 1 and 2 also restrained from making any comments/imputations against the plaintiff herein in the future, using any medium or platform including that of defendants no. 3 and 4.

10. Reply(ies) be filed within four weeks.

11. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

12. List before the Joint Registrar (Judicial) on 25th April, 2023 for completion of pleadings.

13. List before the Court on 7th August, 2023.

14. Dasti CHANDRA DHARI SINGH, J MARCH 15, 2023 gs/ak Click here to check corrigendum, if any

Text of the Delhi High Court order as published by Indian Kanoon: https://indiankanoon.org/doc/94779506/

[Cites 0, Cited by 0]

Delhi High Court - Orders

H.H. Lokanath Swami Through Duly ... vs Ms. Saraswati (Sara) Richardson Jones & ... on 5 April, 2024

Author: Dinesh Kumar Sharma

Bench: Dinesh Kumar Sharma

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ CS(OS) 179/2023, I.A. 5000/2023, I.A. 7171/2023, I.A. 8185/2023, I.A. 8196/2023, I.A. 8224/2023, I.A. 17835/2023, I.A. 17857/2023, I.A. 7647/2024

H.H. LOKANATH SWAMI THROUGH DULY CONSTITUTED POWER OF ATTORNEY RALF STEFAN GIESENHAUS S/O VOLKER GIESENHAUS

..... Plaintiff

Through: Mr. Rakesh Taneja, Mr. Shivang Goel, Advs.

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Mr. Tejas Karia, Mr. Varun Pathak, Ms. Amee Rana, Ms. Vibhuti Vasisth, Ms. Ramayni Sood, Advs. for D-3.

Mr. Deepak Gojia, Mr. Aadhar Nautiyal, Advs. for D-4.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% 05.04.2024 Learned counsel for the plaintiff seeks permission to withdraw the present suit with liberty to file fresh suit with the same cause of action.

Liberty granted.

In view of the submissions made, the present suit along with pending applications stands dismissed as withdrawn.

DINESH KUMAR SHARMA, J APRIL 5, 2024/AR..

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