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

+ **CS(OS) 667/2023**

MAHUA MOITRA

.....Petitioner

Through: Mr. Samudra Sarangi, Ms. Saloni Jain, Ms. Panya Gupta and Mr. Akash Jaini, Advocates

versus

NISHIKANT DUBEY AND ORS

.....Respondent

Through: Mr. Abhimanyu Bhandari, Sr. Advocate with Mr. Rishi K. Awasthi, Ms. Roohe Hina Dua, Ms. Shreya Arora and Mr. Avinash Ankit, Advs. for D-1.
Defendant no. 2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **09.05.2025**

I.A. 11733/2025 (Under Order XXXIX Rule 1 and 2 CPC)

1. This is an application filed by the plaintiff seeking a direction to defendant no. 2 to delete his post, dated 21.04.2025, on social media platform-X ('impugned post'), which is annexed as annexure P-3.
2. This application was first taken up for hearing on 08.05.2025, when learned senior counsel for defendant no. 1 entered appearance and submitted that the impugned post contains a screenshot of *another post* from a social media account under the name of defendant no. 1. He stated that the said *another post* has been posted on the social media platform, Facebook. He had sought time to take instructions from defendant no. 1, and thereafter the



matter has been taken up today.

3. He submits today that defendant no. 1 has since deleted the *another post* from his Facebook account.

4. Defendant no. 2 appears in person.

5. Defendant no. 2 states that since the principal post or *another post*, on the Facebook account of defendant no. 1, has been deleted, he as well will remove his impugned post today itself.

6. Defendant nos. 1 and 2 state that in view of the above submissions this application can be disposed of.

7. However, learned senior counsel for defendant no. 1 states that as is evident from the *another post*, the defendant no. 1 was provoked by the comment written by the plaintiff herself in the *another post*, which in his submission uses words and phrases, which are derogatory and have an inuendo referring to the defendant no. 1. He states that the plaintiff be directed to stop the reference to defendant no. 1 with the inuendo of '*pitbull*' as it has been used in a derogatory manner.

8. Learned counsel for the plaintiff states on instructions from the plaintiff that the plaintiff's use of the phrase '*pitbull*' as it appears in her comment is not intended to refer to defendant no. 1. He states that he is instructed by the plaintiff to state that in plaintiff's social media posts which are intended for defendant no. 1; plaintiff specifically tags defendant no. 1. He, therefore, clarifies that the word '*pitbull*' used in this comment (which appears in the impugned post) or any part of the plaintiff's post on her social media handles does not pertain to defendant no. 1.

The statement of the plaintiff is taken on record and she is bound down to the same.



9. Learned counsel for the plaintiff states that the subject matter of this application pertains to the content of the *another post* by defendant no. 1 which was amplified by defendant no. 2's impugned post. The content of this post was incorrect and as a result, the plaintiff felt compelled to approach this Court. He states that as regards the name-calling between the plaintiff and defendant No. 1 on social media platform, the plaintiff has not raised any grievance in this application on the said issue whereas defendant no. 1 himself has resorted to use of objectionable words against the plaintiff in his own posts.

10. Considering that the plaintiff has categorically disowned the said comment of *pitbull* qua defendant no. 1, no directions are required to be issued.

11. In light of the fact that defendant No. 1 has already removed the *another post* from Facebook and that defendant No. 2 has undertaken to remove the impugned post from 'X', the relief sought in this application does not survive for consideration.

12. The application is hereby disposed of.

MANMEET PRITAM SINGH ARORA, J

MAY 9, 2025/rhc/msh/AM

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