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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ FAO(OS) 169/2024 & CAV 583/2024, C.M.Nos.69670-69674/2024
SLOWFORM MEDIA PVT. LTD & ORS.Appellants
Through: Mr.Saikrishna Rajagopal,
Mr.Himanshu Bajaj, Mr.Kushal
Gupta and Ms.Deepshikha Sarkar,
Advocates.

versus

ASISH MOHAPATRA & ORS.Respondents
Through: Ms.Bansuri Swaraj, Sr.Advocate with
Mr.Sanyam Khetarpal, Ms.Manya
Hasija, Ms.Lekha, Ms.Prakriti Anand,
Mr.Nitai Agarwal and Ms.Lisa
Sankrit, Advocates for R-1 to 5.

Ms.Malvika Trivedi, Sr.Advocate
with Hasija, Ms.Lekha, Ms.Prakriti
Anand, Mr.Nitai Agarwal and
Ms.Lisa Sankrit, Advocates for R-6.

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER
%** **29.11.2024**

1. Present appeal has been filed challenging the judgement dated 15th October, 2024 passed by the learned Single Judge in I.A 42203/2024 in CS(OS) 825/ 2024. The learned Single has allowed the aforementioned I.A filed by the respondents (plaintiffs therein) under Order XXXIX Rules 1 & 2 CPC and directed the appellants (defendants therein) to take down from their media platform, the article dated 07th October, 2024 bearing the title “*Of business co-founders and management allegedly assaulted an employee,*



says FIR" ("Impugned Article") within a period of three weeks.

2. Though a number of contentions and submissions have been advanced by learned counsel for the appellants, yet this Court is of the view that the appellants have an alternative effective remedy of filing an application under Order XXXIX Rule 4 CPC, especially keeping in view the observation of the learned Single Judge in the impugned order itself that the observations therein are *prima facie*.

3. At this stage, learned senior counsel for the respondents state that they would not press their contempt petitions till the appellant's application under Order XXXIX Rule 4 CPC, which is proposed to be filed by the appellants, is decided.

4. Consequently, the present appeal along with the applications is disposed of giving liberty to the appellants to file an application under Order XXXIX Rule 4 CPC within three working days. In the event such an application is filed, the learned Single Judge is requested to decide the same in accordance with law as expeditiously as possible preferably within four weeks, without being influenced by any observations made in the impugned order.

5. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

NOVEMBER 29, 2024
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MANMEET PRITAM SINGH ARORA, J