

**IN THE COURT OF SH. SACHIN SOOD  
DISTRICT JUDGE-01 ( CENTRAL), THC,DELHI**



**CS NO. 1248/2022  
CNR NO. DLCT01-016523-2022**

**SUMAN LATA SINGH**  
Prop of M/s Shree Krishna Textile,  
Office at 664/312, 3<sup>rd</sup> Floor,  
Gali Ghanteshwar,  
Katrail Neel Chandni Chowk,  
Delhi

..... PLAINTIFF

**V E R S U S**

**Shri Manoj Kumar Ramesh Chandre Aggarwal**  
Prop. Of M/s Varun Tex Print  
L-1260, Ist Floor, New Textile Market,  
Ring Road, Surat, Gujrat

..... DEFENDANT

Date of institution	:	<b>02.12.2022.</b>
Date of reserving judgment	:	<b>30.05.2026</b>
Date of judgment	:	<b>30.05.2026.</b>

**J U D G M E N T**

1. The plaintiff filed the present suit seeking recovery of an amount of Rs.10,00,000/- against the defendant alleging defamation, damages, loss of dignity and reputation, mental and physical torture and harassment pleading *inter-alia* as follows:-

- i. That the plaintiff is running her business of selling clothes in retail and wholesale under the name and style of M/s Shri Krishna Textile from her shop. It has been submitted by the plaintiff that the plaintiff used to purchase clothes from Surat and other textile dealers and suppliers of different cities on cash and credit basis, as per market policies.
- ii. It has been submitted by the plaintiff that the plaintiff used to purchase the clothes from the defendant on cash and credit basis directly and through agents of the defendant in Delhi and most of the time through his agent Mr. Sandeep Kamboj (Princy) who also collected money from the plaintiff against bills of supplied clothes as per schedule.
- iii. It has been submitted by the plaintiff that the plaintiff has business relations with the defendant since the year 2015 and trade between them was running smoothly. However, as per the plaintiff, the defendant started manipulation in bills as well as turned hostile from agreed rate and discount on cloths as per market policies due to which the plaintiff slow down business with the defendant and started purchasing the cloths from other textile dealers and agents and finally stopped purchasing from the defendant in the last month of 2017.
- iv. It has been submitted by the plaintiff that the plaintiff made payment

in cash to the defendant's agent on instructions and prior intimation and also made payments by way of cheque, NEFT and other online ways and cleared all the due payments in due time and on calculation found that the agent of the defendant has been made extra payment for an amount of Rs 6,368/-.

- v. That the defendant after about 3-4 years of the plaintiff having cleared the pending bills raised demand against the plaintiff which was cleared by the plaintiff who informed the defendant that infact extra payment of Rs. 6,368/- has been made by the plaintiff but the defendant remained adamant and threatened the plaintiff and her family members with dire consequences.
- vi. That despite the plaintiff explaining to the defendant that infact an extra payment of Rs 6,368/- having been made by the plaintiff, the defendant threatened the plaintiff to spread rumors against her in Surat as well as in Chandni Chowk markets and to carry out threats the defendant started sending messages of demand of money on Whatsapp group of Vyapar Sangh and local businessmen of cloth markets with intent to defame the plaintiff. The number of persons of market association questioned the plaintiff of the messages sent by the defendant due to which the reputation of the plaintiff declined rapidly in the local market and business of the plaintiff was effected

badly and plaintiff suffered loss of lakhs of rupees.

- vii. The plaintiff due to the messages sent by the defendant and calls made by the defendant was under mental tension and trauma due to the loss of reputation of the plaintiff.
- viii. That the defendant specifically threatened the plaintiff by phone that he would file false cases against the plaintiff and her husband and kidnap them when the plaintiff reached Surat to attend the cases. She filed a written complaint with the Commissioner of Police of Delhi, the Deputy Commissioner of Police of Chandni Chowk, Delhi, the Deputy Commissioner of Police of Surat, SHO, P.S. Salbatpura, and SHO, P.S. Chandni Chowk Lahori Gate, Delhi.
- ix. That the plaintiff sent a legal notice dated 10.07.2022 and the same was duly served to the defendant but the defendant intentionally or deliberately did not reply to the said legal notice. That in the first week of October 2022 defendant alongwith 3-4 persons came to the shop of the plaintiff to hand over summons in respect of the recovery suit pending at Surat Court who threatened the plaintiff and her husband with dire consequences. The defendant and his associates made hue and cry at the shop of the plaintiff and also threatened the plaintiff using filthy language. The defendant caused loss of reputation of the business of the plaintiff by making telephonic calls

to the members of market association due to which the business of the plaintiff was badly effected who was rendered a laughing stock in the entire market and hence the present suit was filed by the plaintiff.

### **WRITTEN STATEMENT OF DEFENDANT**

2. The defendant has filed his written statement challenging the suit of the plaintiff pleading *inter-alia* as follows:

(a) That the present suit has been filed without any cause of action. As per the defendant the defendant has supplied clothes and raised bill and despite request and demand, the plaintiff is bent upon to swallow the sale consideration and has been harassing the defendant.

(b) That the plaintiff has not placed on record any document which goes to establish the claim of the plaintiff.

(c) That the present suit is the gross misuse of the process of law.

***On Merits***, the defendant has admitted the business relationship with the plaintiff since the year 2015 to whom clothes have been supplied on cash and credit basis. The defendant has specifically denied that it has any agent by the name of Sh Sandeep Kamboj (Princy) or that the said agent used to collect money from the plaintiff on behalf of the defendant. The defendant has submitted that since the plaintiff failed to make the payments against the bills raised hence he stopped dealing with the plaintiff and has also filed a suit for recovery against the plaintiff which

is pending disposal before Surat Court. The defendant has denied having received an extra amount of Rs 6,368/- or ever having threatened to spread rumours in Chandni Chowk market or having sent any messages to the plaintiff, Vypar Sang and local businessman. Rest of the contents of the plaint have been denied by the defendant.

### **REPLICATION**

3. The plaintiff filed his replication to the written statement of the defendant by denying each and every allegation raised by the defendant and reiterated the contents of the plaint.

### **ISSUES**

4. Vide order dated 28.11.2023, following issues were framed for adjudication:-

*1. Whether the plaintiff is entitled to a decree of Rs. 10 lacs against defamation and loss of dignity and reputation and for causing mental and physical torture and harassment ? OPP*

*2. Whether the suit is not maintainable for want of cause of action?*

*OPD*

*3. Relief.*

### **EVIDENCE**

5. The plaintiff examined two witnesses i.e. PW-1 namely Suman Lata Singh and Sh Deep Narayan Singh. PW-1 tendered her evidence by way of affidavit exhibited as Ex. PW1/A and relied upon the following

documents :-

<b><i>S.No</i></b>	<b><i>Exhibits</i></b>	<b><i>Documents</i></b>
1.	<b><i>Mark A</i></b>	<b><i>Copy of legal notice dt 12.07.2022</i></b>
2.	<b><i>Mark B</i></b>	<b><i>Copy of original postal receipt</i></b>
3.	<b><i>PW-1/C (OSR)</i></b>	<b><i>Copy of compliant dt 15.07.2022</i></b>
4.	<b><i>Mark D</i></b>	<b><i>Copy of messages sent on App of traders</i></b>
5.	<b><i>Mark E (Colly)</i></b>	<b><i>Screen shot of defamation messages to Vyapar Sang group of Whatsapp</i></b>
6.	<b><i>Ex PW 1/F</i></b>	<b><i>Not on record</i></b>

6. The PW-1 was duly cross-examined by Ld counsel for the defendant.
7. Sh Deep Narayan Singh was examined as PW-2 who is the husband of PW-1.
8. PW-2 was also duly cross examined by Ld counsel for the defendant and thereafter PE was closed on 26.11.2025.
9. The defendant examined himself as DW-1 who tendered his evidence by way of affidavit as Ex. DW1/A has relied upon the following documents:

<b><i>S.No</i></b>	<b><i>Exhibits</i></b>	<b><i>Documents</i></b>
1.	<b><i>Ex DW1/1</i></b>	<b><i>Copy of Aadhar Card</i></b>
2.	<b><i>Ex DW1/2</i></b>	<b><i>Copy of Civil Suit no 166/2022</i></b>

10. DW-1 was duly cross examined by Ld counsel for the plaintiff. Thereafter, DE was closed on 28.04.2026. Thereafter, the matter was fixed for final arguments.

11. I have heard the arguments from both the sides and perused the records carefully and my issue wise findings are as under:

**ANALYSIS AND FINDINGS**

***ISSUE No 1: Whether the plaintiff is entitled to a decree of Rs. 10 lacs against defamation and loss of dignity and reputation and for causing mental and physical torture and harassment ? OPP***

**&**

***Issue no 2: Whether the suit is not maintainable for want of cause of action? OPD***

12. In order to prove these issues, the plaintiff was required to establish that the defendant has published defamatory statement referring to the plaintiff to a third party which has lowered the reputation of the plaintiff in the right thinking members of the society thereby causing loss to the plaintiff to the tune of Rs 10 lakhs. The plaintiff has placed on record Mark D which is a screen shot of the mobile phone created by the phone no viz. 9377117978 and has also filed on record the screen shot of Whatsapp of one Sh Varun Manoj. Even the aforesaid documents have not been proved in accordance with law as the plaintiff has neither examined Sh Varun Manoj nor has examined any person from either the Vyapar sangh or any local any businessman of the cloth markets to whom any defamatory message has been issued by the defendant. The plaintiff has not examined any other persons who have stated that they have received any defamatory message and upon receipt of said

message they have snapped the business relations with the plaintiff or in their opinion the reputation of the plaintiff stands lowered. The plaintiff has even not filed any certificate u/s 65 B of the Indian Evidence Act and in the absence of which Mark D & Mark E cannot be read in evidence.

13. PW-1 in her cross-examination has stated that she has filed the suit for defamation as the defendant used to come to her shop demanding his money. She has categorically stated that she has only 10-20 customers and has further deposed that at the time of giving the evidence in the year 2025, the number of customers remained at 10-20. Thus, PW-1 has failed to prove that there was any loss of customers affecting her business. Furthermore, PW-1 could not disclose her income before the alleged allegation of defamation and at the time of filing of the present suit or till the time of her cross-examination. Hence, she could not prove any loss of income.
14. PW-1 in her cross-examination has admitted that she was not a member of any group Vaypar sangh on Whatsapp and it was only her husband who has told about the messages sent by the defendant on the aforesaid group. Thus she clearly is a hearsay witness and her testimony thus cannot be relied upon. PW-1 has clearly stated that she does not know anything about Mark D and Mark E. PW-1 has specifically stated that

she cannot show any document pertaining to any financial loss, mental trauma, physical trauma or defamation which has happened to her or to her firm. She has further admitted that she cannot tell as to how she has ascertained a sum of Rs 10 lakhs towards damages for defamation, false implication, loss of dignity and reputation, defamation, mental and physical pain and agony.

15. PW-2 in his cross-examination after having been explained the meaning of the term 'defamation' has stated that buyers have stopped giving the firm, goods on credit as the defendant circulated 'anaap-snaap' on Surat Whatsapp group. He further could not tell the name of the Whatsapp group or the name of the Admn of Surat Whatsapp group in which such 'anaap snaap' words allegedly was circulated by the defendant. PW-2 has placed on record Mark X however the same has also not been proved in accordance with law and is merely a screen shot of the mobile phone. PW-2 in his cross examination has clearly stated that he is not in possession of Mark X and that the same has been printed from his mobile which is not in working condition. No certificate u/s 65 of the Indian Evidence Act has been filed on record neither any application leading secondary evidence has been filed. Hence no reliance can be placed on Mark X.

16. To make matter worse, PW-2 has stated that Mark X was sent at his

mobile number by an agent whose name is not known by PW-2 and has categorically stated that he cannot bring such agent as a witness. PW-2 in line with the deposition of PW-1 has clearly stated that he cannot produce his ITR to prove the loss or damage to the tune of Rs 10 lakhs and has admitted that he has not filed any ITR of the firm. He has further stated that he do not know the day, date and time when the defamatory article was circulated by the defendant. He has also admitted that the present suit has been filed after filing of the suit by the defendant before Small Causes Court, Surat, Gujarat.

17. From the documents placed on record by the plaintiff and by the testimonies of PW-1 & PW-2, thus it is clear that the plaintiff neither could prove any defamatory publication having been carried out by the defendant nor the plaintiff has examined any witness to whom such a publication has been made who has appeared before the court and have stated that in his estimation the reputation and credit worthiness of the plaintiff has been lowered. The plaintiff further could not prove either loss of business nor could prove any loss suffered by the plaintiff by not placing any record any iota of the material such as income tax returns etc. Thus in the considered opinion of the court, the plaintiff has failed to discharge the burden of proof which lied entirely on the shoulders of the plaintiff. Since the plaintiff has not been able to establish her case

there is no cause of action to maintain the present suit. Hence, both these issues are decided in favour of the defendant and against the plaintiff.

***RELIEF:***

18. In view of the same, the suit filed by the plaintiff is dismissed.
19. Keeping in view the fact that the present suit in terms of the deposition made by PW-2 has been filed only after filing of a suit for recovery by the defendant against the plaintiff in the Small Causes Court, Surat, Gujarat, the present suit is nothing but an arm twisting exercise so as to harass the defendant by implicating the defendant into false and vexatious litigation. In view of the aforesaid, the plaintiff is burdened with a cost of Rs 3,000/- as permissible under Section 35A of the CPC.
20. Decree sheet be prepared accordingly.
21. File be consigned to record room after necessary due compliance.

**Announced in the Open Court  
on 30.05.2026.**

**(SACHIN SOOD)  
DJ-01/ Central District,  
Tis Hazari Court/Delhi.**