

IN THE COURT OF Ms. MEENU KAUSHIK: DJ – 03
NEW DELHI DISTRICT: PATIALA HOUSE COURTS
NEW DELHI

CS No. 892/19

Swati Chaturvedi

...Plaintiff

Vs.

**M/s Aadhyaasi Media and
Content Services Pvt. Ltd.**

...Defendants

13.05.2026

ORDER

1. By way of this order I shall dispose of application under Order 39 Rule 1 & 2 of CPC moved by the plaintiff.
2. Arguments on the application have already been heard.
3. It is submitted on behalf of plaintiff that defendants have committed the acts of mischief and have defamed the plaintiff causing damage to her reputation by circulating the articles falsely alleging that the plaintiff is working with the leftist propaganda website, “*The Wire*”, and the same has maligned the reputation of the plaintiff in the eyes of her peer group of society. It is further argued that the defendants in their reply to the legal notice have admitted all the allegations levelled by the plaintiff in her legal notice dated 03.06.2019. It is further stated that defendants have not removed those libel articles published in their website nor issued an unconditional apology letter to the plaintiff. It is further stated that since the acts of defendants have caused defamation to the plaintiff, they should be restrained from

publishing any defamatory article qua the plaintiff on their website and they should be directed to block or remove the offending articles dated 02.06.2018 and 08.05.2019 and any other articles defaming the plaintiff from their website.

4. Per contra, it is submitted on behalf of defendants that all the allegations and averments of the plaintiff are baseless and by way of instant application, plaintiff has tried to prevent freedom of speech which is guaranteed to the defendants as enshrined under the Constitution of India. It is further stated that plaintiff has no cause of action against the defendants as whatever has been reported is already present in the public domain and the reporting of a fact by any person or journalist does not amount to defame and thus the instant application is liable to be rejected.

5. It is further argued that plaintiff even remotely has nowhere shown that the contents of the publications in dispute are false or fabricated and with merely reproducing the various lines in two impugned articles, the plaintiff has not made any attempt to demonstrate the falsity of these statements. It is further argued that with respect to first article it is claimed by plaintiff that defendant No.2 has falsely stated that plaintiff is working with leftist propaganda website, *The Wire.in*, with an intention to defame the plaintiff is wholly untrue and not a valid ground for defamation as no defamation is caused or can be caused by publishing the truth or information already available in public domain. It is further stated that plaintiff has herself admitted in the plaint that she has worked for the *The Wire.in* including the recent article dated 14.01.2020 and this proves that the statement of defendant No.1 is true fact and is not defamatory statement. It is argued that in the impugned article, it is only stated that the

plaintiff works with *The Wire.in* which is leftist and it has remained unexplained as to how being leftist or rightist can be considered as defamatory as the same is only way of identifying the views of a person in relation to politics and social issues.

6. With respect to second article titled as “*The wire and its star journalist peddles another lie about RSS and BJP and it’s not the first time*”, it is stated that the said article is fair comment and was not published to defame the plaintiff. It is further stated that the contents of the impugned article are true and substantiated with the material facts and evidence and the basis of article is the article written by plaintiff herself titled as “*Narender Modi has gone from Dog whistle to vulture politics*”. It is further stated that defendant No.2 had merely formed the opinion based on the article of the plaintiff wherein she mentioned the right of citizens to truthful and important information which allows them to form adequate impression about social processes and their essences. It is further stated that due care and caution was exercised before such publication or reporting and such kind of false reporting was not done for the first time by the plaintiff, as in 2018 also, plaintiff had published an article titled as “*An expected change in key RSS post could help Modi soon*”. It is further argued that whatever has been published is well within four corners of the accepted norms of journalism. It is further stated that the plaintiff has herself published articles which are similar to the first and second article titled as “*Why Arnab Goswami lied, and used Rajdeep Sardesai’s story, about covering Gujarat riots*”, published on 09.09.2017, and therefore plaintiff cannot take the plea that article in the present suit are defamatory. It is further contended that there is no publication of the defendants which is false, derogatory or

defamatory and the plaintiff has not shown as to what damage has these articles caused to her reputation.

7. Arguments addressed on behalf of both the parties are taken into consideration. Record perused.

8. As per the plaintiff, there are two articles published on 02.06.2018 and 08.05.2019 by the defendant with the titles “*Swati Chaturvedi may be delusional-Sources*” and “*The Wire and its Star Journalist peddles another absurd law by the RSS and it is not for the first time*”. It is further claimed by the plaintiff that in these two articles, there are various defamatory averments with respect to plaintiff like *delusional/ accused of plagiarism/ called out for blatant lies and fabrications/ features in eminent list where she is accused of running extortion rackets*. It is further argued on behalf of plaintiff that defendant has claimed that whatever is mentioned about the plaintiff in the impugned articles are based upon the information available on the public domain, however, no specific source is mentioned by the defendant with respect to the aforesaid averments.

9. As per the defendant, whatever information is published in the two impugned articles are true facts based on the information available in the public domain and the same is covered under the principle of fair comment. Contrary to this, it is claimed on behalf of plaintiff that the articles relied upon by the defendants in their defence have been written and published by the defendants themselves, and the defamatory words/averments used for the plaintiff in the impugned articles cannot be said to be based upon the information available in the public domain. The source articles placed on record by the defendants are perused.

Court is in agreement with the contention on behalf of plaintiff that the various averments made for the plaintiff which are claimed to be defamatory cannot be prima facie said to be based upon the source articles as placed on the record by the defendants along with their written statement.

10. It is the contention on part of defendants that any order granting interim injunction in favour of the plaintiff with respect to the impugned articles would amount to infringement of freedom to speech and shall be equivalent to granting of final relief at the interim stage. Ld. Counsel for the defendant has placed Reliance placed upon:

- i. ***Bloomberg Television Production Services India Pvt. Ltd. & Ors. v. Zee Entertainment Enterprises Ltd., (2025) 1 SCC 741 : 2024 SCC OnLine SC 426***, wherein the Hon'ble Supreme Court emphatically held that “*courts must exercise extreme caution while granting injunctions in defamation actions involving the media, as such orders operate as prior restraint and have a direct chilling effect of free speech*”.
- ii. ***T.V. Today Network Limited v. News Laundry Media Pvt. Ltd. & Ors., (2022) 5 HCC (Del) 6 : 2022 SCC OnLine Del 2233*** wherein the Hon'ble High Court of Delhi declined to grant an injunction in a defamation action and held that “*criticism, comment, and even strong or exaggerated opinion like “**Shit Reporters**” fall within the protective ambit of free speech, so long as they are based on facts and do not cross the threshold of malice or reckless disregard for truth*”.
- iii. ***R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632***, wherein the Hon'ble Supreme Court in held that “*press is entitled to publish material based on public records and that liability would arise only in cases of reckless disregard for truth*”.

11. The source articles placed on record by the defendants along with their written statements prima facie nowhere shows that the plaintiff is running extortion rackets as claimed by the defendants in the impugned articles. The defence of defendants that the impugned articles are based on true facts is subject matter of trial. As per the claim of plaintiff, she being a journalist and public commentator, her professional reputation and credibility are of paramount importance and in case the impugned articles remained continued in circulation, the same may cause serious and irreparable injury to her reputation which cannot be adequately compensated by damages alone. It is further the claim of plaintiff that in case the impugned articles continue to remain publicly accessible on the defendant's website, the same shall cause repeated harm to her reputation, and thus, by directing the defendants to temporarily remove the impugned articles during the pendency of the suit would cause no irreparable prejudice to the defendants who are at liberty to justify their averments made in the articles during trial.

12. Contention made on behalf of plaintiff that in case the impugned articles continue to be publicly accessible during the pendency of trial, the same may cause repeated harm to the plaintiff and that no prejudice shall be suffered by defendants in case they are directed to remove the impugned articles from their website during the pendency of the suit are found acceptable.

13. Ld. Counsel for the plaintiff has placed reliance upon ***Gaurav Bhatia v. Naveen Kumar YouTube Channel***, 2024 SCC Online Del 2704, wherein it was held that “*injunction directing*

the removal of defamatory content can be granted to prevent continuing and future harm”.

Reliance is also placed upon case titled “**Bonnard v. Perryman**” [1891] 95 All ER 965, wherein it was held that :

“...But it is obvious that the subject-matter of an action for defamation is so special as to require exceptional caution in exercising the jurisdiction to interfere by injunction before the trial of an action to prevent an anticipated wrong. The right of free speech is one which it is for the public interest that individuals should possess, and, indeed, that they should exercise without impediment, so long as no, wrongful act is done; and, unless an alleged libel is untrue, there is no wrong committed; but, on the contrary, often a very wholesome act is performed in the publication and repetition of an alleged libel. Until it is clear that an alleged libel is untrue, it is not clear that any right at all has been infringed; and the importance of leaving free speech unfettered is a wrong reason in cases of libel for dealing most cautiously and warily with the granting of interim injunctions.”

14. In view of above discussion, the court is of considered opinion that the plaintiff shall suffer irreparable loss and injury in case the impugned articles continued to be in public domain as the same may continue to cause harm to the reputation of the plaintiff. Contrary to this, by directing the defendants to remove the impugned articles from their website during the pendency of the suit shall not cause any prejudice to them or curtail their right to freedom of speech as the defendants would get right to prove their defence during trial. Thus, the balance of convenience also lies in favour of the plaintiff. Further, there is not specific bar in granting interim relief in the form of injunction which may amount to grant of one of the final reliefs as granting of injunction at this stage is only to prevent any future harm.

15. Thus, defendants are directed to block/remove the impugned articles dated 02.06.2018 and 08.05.2019 from their website namely www.opindia.com during the pendency of the suit/till further orders. Defendants are further directed to not to publish any defamatory article qua the plaintiff on their website during the pendency of the suit. In view of above directions, present application stands disposed of.

16. The observations made hereinabove are prima facie and shall not constitute any expression of final opinion on merits of this case.

***(Announced in the open Court
on 13th May, 2025)***

**(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi District
New Delhi**