

IN THE COURT OF SH. VINAY SINGHAL:
DISTRICT JUDGE-09: (CENTRAL):
TIS HAZARI COURTS: DELHI.

CS DJ No. 16047/2016
CNR No. DLCT-010005462007

In the matter of:-

Dr. Pawan Goel

S/o Late Shri Mohan Goel
R/o 25/19, East Patel Nagar,
New Delhi.

..... PLAINTIFF

Versus

Ms. Seema Sehgal

D/o Late Shri S.K. Sehgal
R/o 2707/13, Ranjeet Nagar,
New Delhi

..... DEFENDANT

A N D

CS DJ No. 613810/2016
CNR No. DLCT-010003222007

In the matter of:-

Dr. Pawan Goel

S/o Late Shri Mohan Goel
R/o 25/19, East Patel Nagar,
New Delhi.

..... NON-COUNTER-CLAIMANT/PLAINTIFF

Versus

Ms. Seema Sehgal

D/o Late Shri S.K. Sehgal
R/o 2707/13, Ranjeet Nagar,
New Delhi.

COUNTER-CLAIMANT/ DEFENDANT

Date of Institution of Suit	:	22.05.2007
Date of pronouncement of Judgment	:	04.04.2026

SUIT/COUNTER-CLAIM FOR RECOVERY OF DAMAGES
OF Rs. 19,50,000
JUDGMENT

1. Vide this common Judgment, the suit bearing no. 16047/2016 filed by the plaintiff-Dr. Pawan Goel for recovery of damages of Rs. 19,50,000/- as well as the counter-claim bearing CS No. 613810/2016 filed by the defendant-Seema Sehgal for recovery of Rs. 19,50,000/- qua damages stand dismissed.

PART-A
(PLAINTIFF'S CASE)

2. The plaintiff is stated to be a practicing doctor running a clinic at Patel Nagar, Delhi for the last more than 26 years.
3. The defendant was employed with the said clinic.
4. As per the plaint, the services of defendant were terminated on 01.08.2006.
5. It is further stated in the plaint that the defendant voluntarily submitted her resignation which was accepted and her accounts were settled.
6. As per the plaint, after the termination of services, the defendant with a view to harass the plaintiff in order to get money, picked up a quarrel with the wife of plaintiff and gave a teeth bite on the forearm of the plaintiff, qua which,

a police complaint was lodged on 19.10.2006.

7. It is stated that on 20.02.2007 the plaintiff organized a Mata Ki Chowki at his home where the defendant trespassed without any invitation and misbehaved/harassed the plaintiff by using abusive language, filthy motions and gestures against him, thereby, lowering the reputation of the plaintiff and a police complaint was lodged in this respect on 21.02.2007.
8. As per the plaint, the defendant thereafter sent filthy SMS from her mobile to the friends of the plaintiff containing the following text:-

“Main dr. Pawan Goel ki employee thi. GOYAL EYE INSTITUTE. Mere mata pita nahi hai. Dr. Goel ne mujhe physically or mentally done done taraf se haars kiya hai, or aaj bhi kar raha hai. Mujhe app logo ki madad chahiye. Pls. Mere madad kare use saja dilane ke liye. Mujhe insaf dilaye. dr. Goyal insannahi darinda hai jo sirf larliyon ke sath khelna janta hai. Maine court main case dal diya hai. Kal aapki bahu beti bhi uske hathe aa sakti hai. Agar app pruf dekhna chahte hai to mujhe phone kar sakte hai. pls. help me.”

9. It is stated that due to the sending of false SMS, the plaintiff has suffered, anxiety, loss of reputation and as a consequence, stand defamed in the society as well as among his friends and relatives.
10. Accordingly, a legal notice dt. 28.03.2007 claiming damages was served upon the defendant which stand not complied by her.
11. Hence, the present suit for recovery of damages of Rs. 19,50,000/-.

COUNTER-CLAIM

12. As per the defendant, the plaintiff taking advantage of his position as an employer of the defendant, sexually harassed her.
13. It is stated that the plaintiff, in February, 2000 asked her to accompany him to Pune and there in a hotel, raped her.
14. It is also stated that thereafter the plaintiff raped her on many occasions at various places.
15. It is stated that on account of the threats extended by the plaintiff, she did not dare to raise her voice against her sexual exploitation and when she tried to raise her voice, she was mercilessly beaten by the plaintiff due to which she was hospitalized on 02.01.2003 as well as in the first week of December, 2004 and in this respect a criminal complaint was also filed by the defendant before the concerned court.
16. It is also stated that the defendant got pregnant on account of her sexual exploitation by the plaintiff which pregnancy was got terminated under a false name at Dr. Lal Clinic on 15.02.2000.
17. Hence, the present counter-claim for recovery of Rs. 19,50,000/- as damages.

PART-B

(DEFENDANT'S CASE)

18. As per the defendant, the plaintiff taking advantage of his position as an employer of the defendant, sexually harassed her.
19. It is stated that the plaintiff, in February, 2000 asked her to accompany him to Pune and there in a hotel, raped her.
20. It is also stated that thereafter the plaintiff raped her on

many occasions at various places.

21. It is stated that on account of the threats extended by the plaintiff, she did not dare to raise her voice against her sexual exploitation and when she tried to raise her voice, she was mercilessly beaten by the plaintiff due to which she was hospitalized on 02.01.2003 as well as in the first week of December, 2004 and in this respect a criminal complaint was also filed by the defendant before the concerned court.
22. It is also stated that the defendant got pregnant on account of her sexual exploitation by the plaintiff, which pregnancy was got terminated under a false name at Dr. Lal Clinic on 15.02.2000.
23. The plaintiff denied the averments made in the counter-claim.

PART-C

(ISSUES)

24. Vide order dated 23.11.2007, following joint issues were framed:-

(1) Whether the plaintiff has any cause of action to bring the present suit against the defendant? OPP

(2) Whether the plaintiff is entitled the decree for a sum of Rs. 19,50,000/- as compensation against the defendant, if not as to what amount? OPP

(3) Whether defendant is entitled to counter-claim, as claimed? OPD

(4) Relief

PART-D

(PLAINTIFF'S EVIDENCE)

25. Plaintiff examined himself as PW-1 vide affidavit Ex.

PW1/A, who proved on record the following documents:-

S.No.	Document(s) details	Exhibit
1	Copy of complaint dt. 21.02.2007	PW1/1
2	Copy of notice	PW1/2
3	Postal receipt	PW1/3
4	Acknowledgment card	PW1/4
5	Reply of defendant	PW1/5

26. During cross-examination, PW-1 has deposed as under:-
- a) that no show cause notice was issued to the defendant and no official inquiry was held against the defendant when her services were terminated.
 - b) the reason of terminating the services of defendant was that she used to quarrel with the staff members, misbehaved with the patients.
 - c) PW-1 denied the suggestion that in February, 2000, when the defendant accompanied him to Pune, he raped her.
 - d)PW-1 also denied the suggestion that he got the pregnancy of defendant terminated at Dr. Lal's clinic under the wrong name of defendant as Tina.
27. PW-1 failed to prove on record the alleged police complaint made by him on 11.10.2006, as averred in the plaint regarding the defendant biting him on his forearm.
28. The plaintiff also examined one Sh. Mukesh Gomber as PW-2 who deposed that the plaintiff is known to him and he was present in the party when the defendant allegedly used abusive language and filthy gestures against the plaintiff

and also deposed that he received an SMS from the defendant containing the text as mentioned in the plaint above.

29. During cross-examination, the said PW-2 deposed that he is not aware as to who were the invitees at Mata Ki Chowki on 20.10.2007 arranged by the plaintiff.

PART-E

(DEFENDANT'S EVIDENCE)

30. The defendant examined herself as DW-1 vide affidavit Ex. DW1/A, who proved on record the following documents:-

S.No.	Document(s) details	Exhibit
1	Certified copy of slip issued by Lall Nursing & Maternity Home	DW1/1
2	Certified copy of medical record of Sushrut Trauma Centre, Lo Nayak Hospital	DW1/2
3	Copy of test reports of Ganga Ram Hospital	DW1/3 (not found on record)
4	Certified copy of prescription slips of Dr. J.K. Sharma	DW1/4
5	Certified copy of medical record of various hospitals	DW1/5 (colly.)
6	Photocopy of character certificate dt. 25.01.2005	DW1/6
7	Certified copy of medical card of DDU Hospital & CT Scan report dt. 11.10.2006	DW1/8 (colly)
8	Photocopy of MLC report dt. 11.10.2006	DW1/9
9	Certified copy of criminal complaint	DW1/10

31. During cross-examination, the DW1 denied the suggestion that she ever trespassed into the clinic of plaintiff or ever gave a bite on his forearm.
32. She also denied that she ever trespassed into the Mata ki Choki organised by the plaintiff but rather submitted that she was invited by the plaintiff himself.
33. She admitted the sending of SMS as alleged.
34. She admitted that the criminal complaint filed by her stand dismissed by the competent court.

PART-F

(FINDINGS/CONCLUSION)

35. Heard. Considered.

Issue No. 1

(1) Whether the plaintiff has any cause of action to bring the present suit against the defendant? OPP

36. The present case and the counter-claim have been filed by the respective parties seeking damages under the Law of Torts.
37. Hence, it is necessary to discuss the law governing the same as under:-
38. **“Defamation**

(aaa) A man's reputation is his property. The objective of law of defamation is to protect one's reputation, honor, integrity, character and dignity in

the society. A person aggrieved may file a criminal prosecution as well as a civil suit for damages for defamation.

(bbb) Defamation is intentional false communication, act of publication of defamatory content, either written or spoken, that harms a person's reputation, or induces disparaging, hostile or disagreeable opinions or feelings against a person.

(ccc) The right to take legal action for defamation is restricted to a period of one year.

(ddd) Defamatory statements can be made as libel or as slander:-

i. **Libel**: the publication of a false and defamatory statement to injure the reputation of another person without lawful justification or excuse. The statement must be in a printed form, e.g. writing, printing, pictures, statue, etc.

ii. **Slander**: A false and defamatory statement by spoken words and/or gestures tending to injure the reputation of others.

Remedies available under Indian Law:

(eee) India offers the defamed a remedy both in civil law for damages and in criminal law for punishment. In Civil Law, defamation falls under the Law of Torts, which imposes punishment in the form of damages awarded to the claimant (person

filing the claim). Under Criminal Law, Defamation is bailable, non-cognizable and compoundable offence. Limitation to file criminal defamation complaint is 3 years from the period of knowledge of offence. The civil remedy is to file a suit for damages and section 499 and 500 of Indian Penal Code (IPC) deals in criminal defamation.

(fff) In case of Criminal Defamation, a private Complaint is filed before the Judicial Magistrate.

(ggg) In Civil Defamation, a person who is defamed can move the competent Court having pecuniary jurisdiction and seek damages in the form of monetary compensation. Under Section 19 of Civil Procedure Code (CPC) civil suit can be filed either where the Defendant resides or where the Defamatory statement was made/published.

(hhh) Court Fees for Civil Defamation suit is to be paid in accordance to the value of the monetary compensation claimed. Court Fees varies State to State.

Essential Ingredients of Defamation:

(iii) Regardless of whether a defamation action is framed in libel or slander, the plaintiff must always prove the following:-

- i. That the words, pictures, gestures, etc. are defamatory.

ii. That the plaintiff must show that they refer to him.

iii. That they were maliciously published.

iv. Publication means making the defamatory matter known to some other 3rd party and unless the content is published– made available to someone other than the claimant, there can no defamation.

v. Defamation on social networking websites.

vi. Social media and networking websites have occupied an insurmountable space in our lives. In the current age of lightning fast communication channels and the fast growing Social Networking Websites, majority of the people suffer from an urge to put up their thoughts and opinions about different matters and incidents on these Social Networking Websites. With the proliferation of social networking websites and their widespread use, especially amongst the youth, one observes certain legal loopholes in their operation and use. One such glaring drawback is the opportunity they provide for "cyber-defamation" or "virtual defamation" to mushroom.

vii Under the operative Indian law, the

person who made such statement as well as its distributor and publishers can be sued. Apart from the author of such statement, intermediaries such as the concerned Social Networking Websites, the website holder, the internet service providers, as well as the other users of such Social Networking Websites on whose profiles defamatory statements have been written by the author, can be sued in their capacity as a publisher of defamatory statements and can be held liable for such statements. After the Information Technology Amendment Act 2008 became effective, intermediaries such as Social Networking Websites became immune from any defamation liability provided such intermediaries acted bonafide or came within the purview of the exemptions envisaged under the amendment.

Some common Defenses/Exceptions to Defamation:

(jjj) There are following exceptions for Defamation under Sec. 499 IPC:-

(i) Imputation of truth which public good requires be making or publishing.

(ii) Public conduct of public servant.

(iii) Conduct of any person touching any

public question.

(iv) Publication of reports of proceedings of courts.

(v) Merits of the case decided in court or conduct of witnesses and others concerned. (vi) Merits of Public performance.

(vi) Censure passed in good faith by person having lawful authority over another.

(vii) Accusation preferred in good faith to authorized person.

(viii) Imputation made in good faith by person for protection of his or other's interests.”

39. In the light of the above, law governing the point of damages for defamation and applying the same to the facts and circumstances of the same, it is clear that:-

40. None of the parties have proved the alleged SMS sent by defendant to the known persons to the plaintiff. The entire case of the plaintiff is based on the said alleged SMS.

41. Hence, when the said alleged SMS stand not proved either by the PW1 or by the PW2 nor the mobile phone of PW2 stand produced nor any certificate under Section 65 B of Indian Evidence Act stand placed on record, which certificate would have been necessitated if the SMS itself were to be produced on record, nothing remains in the present case to hold that the plaintiff's reputation was

damages by any such SMS.

42. Even the PW2 had not deposed that on account of receipt of such SMS, the reputation of the plaintiff in his eyes has gone away.
43. Now, when the alleged SMS stand not placed on record what to speak of proving the same, the essential ingredients of defamation regarding proving the publication of such SMS stand destroyed.
44. Mere admission of sending of such SMS by the defendant is itself of no consequence in the absence of proving the said SMS on judicial record during the course of evidence.
45. Hence, there cannot be said to be any defamation of the plaintiff via such SMS which stand not placed and proved on record and accordingly there cannot be question of grant of any damages towards the same.
46. Issue no.1 is accordingly decided against the plaintiff.

Issue no. 2

(2) Whether the plaintiff is entitled the decree for a sum of Rs. 19,50,000/- as compensation against the defendant, if not as to what amount? OPP

47. As far as the counter-claim of the defendant is concerned, the said counter-claim contains only three paras averring therein that the plaintiff physically, mentally, emotionally and sexually harassed the defendant for a number of years.
48. During the entire course of evidence, the defendant has not produced even a single piece of evidence which can prove

that she was raped by the plaintiff or that she ever got pregnant on account of said rape or the said alleged pregnancy was got terminated at the instance of plaintiff at any such Dr. Lal's clinic under the false name of Tina.

49. In these circumstances, applying the above principles of law governing the defamation, the defendant has failed to prove the ingredients of the same, and hence, she is also held as not entitled to any damages.
50. Issue no.2 is accordingly decided against the defendant/counter-claimant.

Relief

Issue No. 3

51. In view of outcome of issue no. 1 & 2, both, the suit and the counter-claim, stand dismissed.
52. No order as to cost.
53. Ordered accordingly.

Let decree sheet be prepared.

File be consigned to record room.

Announced in the Open Court

on 04.04.2026

**(Vinay Singhal)
District Judge-09 (Central)
Tis Hazari Courts, Delhi.
04.04.2026(hk)**