

MHNG020033392016	Presented On	:	27.09.2016
	Registered On	:	29.09.2016
	Decided On	:	27.07.2026
	Duration	:	09 : 09 : 28 Y M D

**IN THE COURT OF 13th JOINT CIVIL JUDGE SENIOR
DIVISION AND ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, NAGPUR**

[Presided over by Srikant P. Ade]

SPECIAL CIVIL SUIT NO. 709/2016

EXH. 49

1.	Sau. Kanchan w/o. Ashok Kuthe Aged about 39 Yrs., Occu. : Gazatted officer.	:	
2.	Shri Ashok s/o. Shamraoji Kuthe Aged about 49 Yrs., Occu. : Private Job Both R/o. Bajrang Nagar, Ghogli Road, Mahadula, Koradi, Tah. Kamptee, District Nagpur.	:	... Plaintiffs.
// VERSUS //			
1.	Shri Ratndeeep s/o. Lalchand Rangari Aged about --, Occu. : Corporator	:	
2.	Shri Gajendra s/o. Kisan Pawankar Aged about --, Occu. : Ex-member Both 1 and 2 R/o. Ward No. 3, Mahadula, Koradi, Tah. Kamptee, District Nagpur.	:	
3.	Shri Sunil s/o. Uttamrao Salve Aged about --, Occu. : Not known R/o. Prabhag No.2, Siddharth Nagar, Mahadula, Tah. Kamptee, District Nagpur.	:	...Defendant

CLAIM: SUIT FOR DEFAMATION.

<u>APPEARANCE :</u>		
Ld. Advocate for the Plaintiffs	:	Shri S.K. Sawai
Ld. Advocate for Defendants	:	Shri N.S. Gawai

J U D G M E N T**[Delivered on 27th July, 2026]**

1. Plaintiff has filed this suit for Rs.10,00,000/- (₹ Ten Lacs) as damages for defamation.

Very brief facts of the suit are as under :

2. Plaintiff no. 1 and 2 are husband and wife. Plaintiff no. 1 is elected Nagaradhyaksha of Nagar Panchayat, Mahadula wherein plaintiff no. 2 is working as a clerk. Defendants no. 1 to 3 residing in the same locality and defendant no. 1 is corporator of Nagar Panchayat, Mahadula whereas defendant no. 2 was ex-member of Nagar Panchayat, Mahadula. Plaintiff no. 1 belongs to Bhartiya Janata Party whereas defendants belongs to Congress party. Defendants made a false and defamatory statement as well spread rumor in the area of Mahadula contending that plaintiff no.2 is corrupted person, printed defamatory statement on Bhim Sena letter pad on 08.02.2016 and distributed the same in the society as well made statement in Daily Newspaper "Lokmat Samachar" on 11.02.2016. On 12.02.2016 defendants distributed pamphlet containing defamatory statement, at open land near Nala Adarsh Nagar Koradi, Nagpur as well spread rumor in social media platform. Plaintiff by the act of

defendants very much shocked and disturbed, therefore made a complaint on 15.02.2015 to the Superintendent of police as well lodged complaint at Koradi Police station on 31.03.2016. Due to the defamatory statement published in the pamphlet, people in the locality used to ask questions to the plaintiff, suffering daily work of the plaintiff, cause mental agony and physical problem. Defendants doing the act with intend to resign the plaintiff no.1 from Nagaradhyaksha post. Plaintiff asked defendants to stop making defamatory statement to which defendants replied negatively, therefore plaintiffs issued legal notice on 10.04.2016 through Advocate and constrained to file this suit.

3. Defendant no. 1 to 3 have filed their written statement at Exh. 12 and admitted relation of plaintiff and their residence and Nagaradhyaksha position but the rest of the contention are denied specifically and in short contended that the Chief Officer of Nagar Panchyat, Mahadula noticed that plaintiff no. 2 was not discharging his duty honestly and properly, not maintaining account as to the received amount, therefore suspended him and started departmental inquiry in the year 2015 and it is well within the knowledge to public at large, therefore spreading any news in the year 2016 is without any substance. As per the service rule departmental inquiry of suspended employee of Nagar Parishahd is required to be completed within six months, but plaintiff no. 1 not used to cooperate to Chief Officer and used to threat Chief officer with dire

consequences. This fact was reported to the Collector, Commissioner and Chief Secretary of Maharashtra and taking advantage of service rule, plaintiff no. 2 was re-instated by passing the resolution and coming known to this facts defendant no.1 raised his voice against the resolution of reinstatement therefore, plaintiff has filed this suit. Defendants further submitted that they are not the member of Bhim Sena or Mahadula Nagri Satkar Samiti and not concerned with printing and distributing of any pamphlet, therefore prayed to dismiss the suit.

ORAL AND DOCUMENTARY EVIDENCE :-

4. Plaintiff Side :-

Sr. No.	Name of Witness	Exh. No.	Nature of Evidence	Documents proved	Exh. No.
1.	PW-1 Sau. Kanchan Ashok Kuthe (Plaintiff No.1)	16	In support of suit.	Copy of legal notice dated 18.04.2016	32
				Complaint to police Commissioner dated 15.02.2015	33
				Application under RTI Act dated 02.02.2017	34
				Postal receipt	35
				Office copy of legal notice to defendant no. 1 dated 16.01.2017	36
				Postal receipt	37
				Postal acknowledgment	38

5. Defendant Side :-

Sr. No.	Name of Witness	Exh. No.	Nature of Evidence	Documents proved	Exh. No.
1.	DW-1 Ratndeeep Lalchand Rangari (Defendant No.1)	45		--	--

ARGUMENTS :

6. Ld. Advocate for defendants filed written notes of argument at Exh. 48 and submitted that documents filed on record can not be said as proved as per evidence Act as plaintiff's evidence is discarded by order dtd. 05.02.2025 as plaintiff failed to appear to face cross-examination. It is not equally proved that the alleged pamphlet was prepared by the defendants and the newspaper news was published by the defendants. It is also not proved that the contention was the defamatory one and was read by any person. Hence, plaintiff's suit failed, therefore prayed to dismiss the suit.

7. Plaintiff and his Ld. Advocate remained absent since long. Plaintiff not prosecuting and despite directed failed to file written notes of argument or make any oral submission. Hence, as there is evidence on record, in view of Order 17, Rule 2, explanation clause of CPC the matter is proceeded further and taken up for judgment.

8. On rival pleading my learned Predecessor framed issues at Exh. 15 to decide the real controversy

between the parties and hearing and perusing documents and evidence on record, I have given answer on these issues for reasons thereon as under :-

<u>Sr. No.</u>	<u>Issues</u>	<u>Findings</u>
1.	Whether the plaintiff proves that the defendant published defamatory imputation ?	... No.
2.	Whether the plaintiff proves that the publication of the imputation lowered the image of the plaintiff in the esteem of others ?	... No.
3.	Whether the defendant has any permissible defence to the alleged defamation ?	... Does not survive.
4.	Whether the plaintiff is entitled for the reliefs claimed ?	... No.
5.	What order and which decree ?	As per final order.

REASONS

AS TO ISSUE NOS. 1 TO 4 :- Discussed simultaneously to avoid repetitions.

9. Plaintiff filed evidence affidavit at Exh. 16 which is nothing but replica of plaint. After filing evidence affidavit plaintiff failed to face cross-examination hence my Ld. Predecessor passed order below Exh. 16 on 05.02.2025 thereby evidence affidavit of plaintiff no. 1 Kanchan Kuthe was discarded. However, without the cross-examination of

plaintiff Kanchan her testimony can not be considered as proved, reliable and trustworthy.

10. Looking to the documentary evidence plaintiff succeeded to prove document such as legal notice, complaint made to Police Commissioner, Postal receipt and acknowledgment, but the most important document which as per plaintiff are the paper publication and pamphlet alleged to have contents of defamatory statement not duly proved. Plaintiff failed to prove the said pamphlet was printed and published or distributed as per the say of the defendants. Plaintiff also failed to prove that the news was published as per the say of defendants, therefore plaintiff failed to link defendants with any defamatory statement alleged to have been made by the defendants.

11. Plaintiff also failed to examine any independent person who can state that by reading any statement in the pamphlet or newspaper the image of the plaintiff has lowered in their eyes. Therefore, it can not be said that any defamatory statement was communicated with any independent person to held it as defamatory.

12. So far as the alleged statement as defamatory is concerned, it is the contention of the plaintiff that statement made plaintiff as corrupted person. In this facts when evidence of defendants is considered it reveals that the departmental inquiry of plaintiff no. 2 was initiated for not maintaining accounts and this facts was not countered by the plaintiff by taking cross-examination of defendants.

Hence, if any statement have made by the defendants seems to have made only on the basis of the conduct of plaintiff no. 2 and the action initiated against him by his superior officer, therefore, it can not be said as defamatory as it is based on the facts enumerated by defendant in his evidence.

13. For aforesaid reasons plaintiff failed to prove any of the issues for which burden lies on the plaintiff. Therefore, plaintiff failed to prove that defamatory statement published by the defendants and thereby lower the image of plaintiff to the esteems of others, therefore not entitled for compensation as claimed, hence plaintiff is not entitled for any damages. Hence, for aforesaid reasons, I answer issues no. 1 to 4 accordingly and in view of answer to issue no. 5, I pass the following order.

ORDER

1. Suit of plaintiff is dismissed.
2. Both parties to bear their own cost.
3. Decree be drawn up accordingly.

(Judgment dictated, delivered and pronounced in open Court.)

Sd/-

(S.P. Ade)

Nagpur

Date :27.07.2026.

13th Jt.Civil Judge Senior Division,
and A.C.J.M., Nagpur.

Argument Heard on	27.07.2026
Judgment typed on	27.07.2026
Transcription ready on	27.07.2026
Judgment checked and singed on	27.07.2026

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer :- R.S. Daware (Gr. III)