

3 CS DJ 529-26

RAHUL RASIKLAL NAHAR Vs. JOHN DOE

08.06.2026

Present:- Md. Sajid Royeen, Ms. Kripa Pandit, Sh. Avijit Sharma and Sh. Bhanu Gupta, Ld. counsels for plaintiff.

1. Matter is listed for consideration on the aspect of jurisdiction. Along with the petition, an application under Order XXXIX Rule 1 and 2 CPC has been filed.
2. One brief synopsis has been filed on behalf of the plaintiff stating that the plaintiff is a director of the company, namely, Xrbia Developers Limited formerly known as 'Eiffel Developers and Realtors Limited'. It is stated that the plaintiff's company is involved in major infrastructure development projects in Pune and Mumbai.
3. It is averred that the plaintiff is honestly and with bona fide intentions carrying out his business activities and has amassed credibility and reputation amongst the members of society and business who are engaged with the plaintiff and the company. It is submitted that plaintiff's reputation is being irreparably harmed due to the online availability of an investigation report with regard to outdated and unrelated incidents which have been published by defendant no. 1 and 2 on its website. It is stated that the said publication is defamatory in nature and is incessantly harming the reputation and dignity of the plaintiff as the plaintiff has long since been cleared of all charges and accusations that were allegedly leveled against him. The website through which the content

can be accessed is mentioned in the synopsis which redirects to the website of defendant no. 1 and 2. It is stated that one sexual harassment complaint was filed against the plaintiff in crime against Women Cell Mumbai on 30.11.2018 but report was filed by Mumbai police that there was no improper conduct established against the plaintiff. It is further submitted that an FIR was lodged against the plaintiff for financial fraud in District Raigad, Maharashtra which was also quashed in May 2024. It is stated that despite plaintiff having been exonerated in all cases against him, investigation.org has uploaded the investigation report in first week of May, 2026. It is submitted that due to the same, plaintiff cannot exercise his right to live with dignity and his right to be forgotten.

4. It is stated in the plaint that this Court has territorial jurisdiction to entertain and adjudicate the present suit as the impugned investigation report is accessible and available for viewing by the general public within the South East District, which is within the territorial jurisdiction of this Court. It is stated that the defamatory and libelous content has also been circulated with the jurisdiction of this Court.

5. Before considering the aspect of jurisdiction, it is imperative to discuss the law on defamation as a civil wrong. The Hon'ble High Court of Delhi has discussed the aspect of civil defamation in *Abhijit Mishra v. Wipro Ltd*¹ stating as follows:-

¹ICS (OS) 31/2021 Decided by Hon'ble High Court of Delhi on 14.07.2025

56. Civil defamation, though uncodified, in the Indian context is governed by common law principles derived from the English jurisprudence. It refers to a tortious wrong whereby a person makes a false imputation having the tendency to diminish another's reputation in the estimation of right-minded members of society. The essential constituents of civil defamation may be summarised as follows:

(i) a false statement, whether written (libel) or spoken (slander); and defamatory in nature i.e., it must have the effect of lowering the reputation in the eyes of others (right-thinking members of the society);

(ii) publication of such statement to at least one person other than the plaintiff; and

(iii) identifiability, i.e., the statement must refer to the plaintiff either expressly or by implication

(iv) Absence of a valid defence such as justification, truth, or privilege.

57. The first essential of civil defamation is the existence of a defamatory statement. The statement must be such that it tends to expose the plaintiff to hatred, ridicule, or contempt, or to cause them to be shunned or avoided by society, thereby lowering their moral or intellectual character in public estimation. It is not sufficient that the words are insulting or unkind; they must carry a false and defamatory imputation when viewed through the lens of a reasonable person. Even innuendo, where defamatory meaning is implied, not stated expressly, can satisfy this requirement, provided it would be so understood by those acquainted with the plaintiff's background.

58. The second requirement is publication, which is the act of communicating the defamatory content to at least one person other than the person defamed. It is well established that communication of the fact to a third party is indispensable for a successful civil action. If the statement is made directly and solely to the plaintiff, the tort of defamation is not complete, as injury to reputation presupposes the perception of others. The nuanced concept of defamation does not take into account the personal perception of the person allegedly defamed; rather, it takes into account the perceptual effect of the statement on others (subjectively addressed as „reasonable man“, „reasonable woman“ or „right thinking members of the society“). The essential nature of publication in cases of defamation has also been reiterated by the Court in *Ruchi Kalra and Ors v. Slowform*

Media and ors 2025:DHC:2024. The Court held that publication is a sine qua non for the tort of defamation, as the actionable wrong arises only upon communication of the defamatory matter to a third party, thereby effectuating injury to the plaintiff's reputation in the estimation of right-thinking members of society. It emphasised that mere authorship or printing does not suffice; rather, liability accrues upon the act of making the defamatory content known 2025 : DHC: 2024 to others, whether through circulation, dissemination, or authorisation. The Court further clarified that jurisdiction vests where the defamatory material is accessed and reputational harm is suffered, and that the tort is consummated only when the defamatory imputation attains public knowledge, thereby giving rise to civil consequences actionable under law. The relevant extracts of the aforesaid read as under:-

"Decoding the ambit of "publication" in defamation

44. Publication of the defamatory statement is an essential element of the cause of action in a suit for damages for defamation. The injury caused by a libel arises from the effect produced upon its readers. Publication means the act of making the defamatory statement known to any person or persons other than the plaintiff himself (see Salmond on Torts, page-215, Fourteenth Edition). It is the communication of words or doing the defamatory act in the presence of at least one person other than the person defamed. In the case of Khima Nand v. Emperor 16, it was held as under:- "There can be no offence of defamation unless the defamatory statement is published or communicated to a third party, that is, to a party other than the person defamed."

45. Publication is the act of making known the defamatory matter, after it has been written, to some person other than the person about whom it is written. Liability for a publication arises from participation or authorisation. Thus, where a libel is published in a newspaper or book, everyone who has taken part in publishing it, or in procuring its publication, or has submitted material published in it, is prima facie liable (see Gatley, page-234, Eighth Edition). To put it otherwise, an act of publication involves a wide range of 15 (2022) 10 SCC 1.16 1936 SCC OnLine All 307.22 actions and could be done in any manner, however, the elementary test is whether the act complained of has exposed the defamatory matter to any person other than the defamed person.

46. Reference can be made to the decision of this Court in the case of Frank Finn Management Consultants v. Subhash Motwani¹⁷ wherein it was held that publication in the sense of a libel is not the mechanical act of printing of the magazine but is of communication of the libelous article to at least one person other than the plaintiff or the defendant.

"17. The wrong within the meaning of Section 19 of the CPC in an action for defamation is done by the publication. The defendants are confusing publication in the sense of printing, with publication as in the case of libel. The publication in the sense of a libel is not the mechanical act of printing of the magazine but is of communication of the libelous article to at least one person other than the plaintiff or the defendant. In this regard also see Aley Ahmed Abdi v Tribhuvan Nath Seth 1979 All. LJ 542. If the magazine, as aforesaid, has a circulation at Delhi, then it cannot be said that the wrong would not be done to the plaintiff at Delhi and thus the courts at Delhi would have jurisdiction under Section 19 of the Act. A Division Bench in T.N.Seshan v All India Dravida Munnetira Kazhagam 1996 AlHC 4283(AP) has taken the same view. Even if the test of Section 20 of the CPC were to be applied, even then the cause of action in part at least would accrue in Delhi. A Single Judge of the High Court of Bombay in The State of Maharashtra v. Sarvodaya Industries AIR 1975 Bombay 197 has held that the phrase wrong done in Section 19 would clearly take in not only the initial action complained of but its result and effect also and Section 19 is wide enough to take in those places where the plaintiff actually suffered the loss because of the alleged wrongful act. It was further held that the court within whose local jurisdiction damage was caused or suffered or sustained, would clearly answer the requirements of Section 19 for the purposes of the suits mentioned therein. I respectfully concur with the said view and unless Section 19 of the CPC is so interpreted, the purpose thereof would be defeated. Similarly, State of Meghalaya & Ors v Jyotsna Das AIR 17 2008 SCC OnLine Del 1049.231991 Gauhati 96 also held that wrong done includes and covers the effect of the act. The counsel for the defendants has relied upon Rashtriya Mahila Kosh v The Dale View 2007 IV AD (Delhi) 593 to address the principle of forum non conveniens. With respect, if under the CPC the court has jurisdiction, I find it hard to hold that on the doctrine in international law of forum non conveniens the plaintiff can be non suited. I, therefore, decide issue No.1 in favour of the plaintiff and against the defendants."

47. This Court, in the case of Deepak Kumar v. Hindustan Media Ventures Ltd. 18, held that it is settled law that defamation takes place because a defamatory statement or article or any other material is published i.e. it comes to the knowledge of the public and the appellant/plaintiff is brought down in the estimation of the right-thinking people of the society. It was further held that publication is a sine qua non with respect to defamatory articles because defamation is only caused when the general public learns about them.

48. Thus, it is crystal clear that publication is an essential

requirement for the culmination of defamation."

59. The third essential is identifiability. The defamatory statement must refer to the plaintiff expressly or by necessary implication, such that an ordinary, reasonable person acquainted with the plaintiff would understand that the statement pertains to them. The afore noted essential aligns with the maxim certum est quod certum redid potest, i.e., that is certain which can be made certain. It is not necessary that the plaintiff be named; if the description is such that those hearing or reading it can reasonably infer the plaintiff's identity, the requirement is satisfied.

60. Furthermore, the fourth essential element of civil defamation is the absence of a valid legal defence at the time of publication. For a defamatory statement to be actionable, it must not be protected by any recognized defence under law. Among the well-established defences, justification of truth is one which allows the defendant to escape liability by proving that the impugned statement is substantially true. Another defence is fair comment or honest opinion, which applies when the statement pertains to a matter of public interest and is based on true or provably factual premises, even if the opinion itself is critical or severe. Privilege also operates as a bar to liability. Absolute privilege applies in certain protected contexts such as judicial, parliamentary, or quasi-judicial proceedings, while qualified privilege covers communications made in good faith pursuant to a legal, moral, or social duty. Additionally, statutory protections or express or implied consent of the plaintiff may also defeat a claim. Where any of these defences are successfully invoked, the defamatory nature of the statement is neutralised in the eyes of the law."

6. In view of the above mentioned law, it is now to be discussed, without going into the merits of the case, whether the civil wrong of defamation took place within the jurisdiction of this Court or not.

7. Ld. Counsel for plaintiff has relied on various case law to submit that in cases of defamatory statements published online, territorial jurisdiction does not matter as online content is available globally. Hence, it is submitted that it is for the plaintiff to decide the jurisdiction in which the case has to be filed as online defamation can take place in any

jurisdiction, cause of action having arisen in any jurisdiction. Ld. Counsel for plaintiff has put specific emphasis on the judgment of Hon'ble High Court of Delhi in *Ms. Himayani Puri v. Mr. Kunal Shukla & Ors*, CS (OS) 210/2026 decided by the Hon'ble High Court of Delhi on 17.03.2026 to state that even if the plaintiff and defendant are not within the jurisdiction of the Court and may also not be within the jurisdiction of India, but if online content has been published on any website, the Courts in Delhi can still have jurisdiction.

8. The case cited has been perused and it is seen that the said case was filed under Section 80(2) CPC read with Section 151 CPC. Further, it is seen that the said case was filed by the daughter of Hon'ble Cabinet Minister residing in Delhi which could have harmed the reputation of the plaintiff and her family in Delhi. There was a direct relation between the plaintiff and her family residing in Delhi which is obvious from para 26 of the said judgment.

9. In order to get clarity on the issue of jurisdiction, the following two judgments have been perused, discussed and relied upon:-

(a) *Escorts Limited v. Tejpal Singh Sisodia*²

(b) *Operation Mercy India Foundation v. Meta Platforms Inc*³.

10. The judgment mentioned at point (b) has also discussed the judgment mentioned at point (a). In fact, the judgment in *Operation Mercy India Foundation (supra)* has categorically dealt with the issue of online defamation cases in "John Doe"

²22019 SCC OnLine DEL 7606
³CS (OS) 262/2020 Decided by Hon'ble High Court of Delhi on 07.02.2026

matters where identity of defendant on whose behest the online content was published, is not known. Even though notice to the defendant was issued in the said matter when the plaintiff, defendant and civil wrong were stated to be within the jurisdiction of Telangana, still the judgment is relevant to be understood on the aspect of jurisdiction in online defamation cases.

11. In the said case, it was observed in para 15 that the plaintiffs' contention of wrong having been done within the jurisdiction of Delhi was first a reduction in donations received by it owing to the loss of reputation caused by the defamatory content which in turn resulted in it not being able to construct and develop a vocational training center in Delhi; secondly a reduction in the sales of its bookstore in Delhi; and thirdly publication of the defamatory content also having taken place in Delhi. Further, in para 29, it has been observed as follows:-

“29. Evidently, in the instant case, the suit had proceeded against Jon Doe. This Court vide order dated 15.09.2020, found the plaintiff to be entitled to immediate relief and enjoined omjusticeseekers@gmail.com, the then Jon Doe defendant, who now are arrayed as defendant nos. 2 and 3. Evidently, the present defendant nos. 2 and 3 were arrayed later after the ascertainment of their identities. The correctness of the said order, as also the act of the plaintiffs, in originally proceeding Jon Doe has not been questioned in any Court. Resultantly, it could safely be observed that it was owing to the anonymity of defendant nos. 2 and 3 that the plaintiffs had to proceed against Jon Doe. With the defendants whereabouts being unknown, on the basis of wrong having happened at Delhi, the suit was filed in this Court.”

12. On a joint reading of para 15 and 29, it is clear that the plaintiff in that case had disclosed how the defamation had

affected him/his business within the jurisdiction of Delhi. On a joint reading of *Abhijit Mishra (supra)* and *Operation Mercy India Foundation (supra)*, it is clear that merely publication of defamatory content without prima facie disclosing the nature of the harm caused or the reputation of the plaintiff having gone down in the eyes of someone within the jurisdiction of the said Court, the Court cannot presume jurisdiction in itself. This Court is also putting strong emphasis on the judgment in *Tejpal (supra)* in which the exact same issue was discussed in detail and it was held that Section 19 CPC is there for a reason. In para 36, 37, 38, 39, 40, 41 and 45 of the said judgment, it has been observed as follows:-

36. According to paragraph 37 of the plaint itself, the defamatory tweets can be accessed, not only at New Delhi but "across the globe". The question which arises is, whether in case of defamation alleged on such social media platform, the plaintiff under Section 19 has an absolute option to institute the suit anywhere across the globe or across the country. In my view, Section 19 of the CPC, though drafted in the pre-internet era, cannot be so interpreted. I reiterate that it is clear from a reading of Section 19 of the CPC that the legislative intent was to confine the choice of jurisdiction to only two Courts i.e. either where the defendant resides or carries on business or "where wrong was done". Wrong of defamation on social media platform / internet cannot be said to have been done across the globe or across the country, permitting a plaintiff to choose jurisdiction of a Court, contest wherein would cause maximum harassment to the defendant, compelling the defendant to give in to the demand of the plaintiff, even if unreasonable. No such intent can be imputed to the Legislature in enacting Section 19 of the CPC.

37. Even otherwise, no wrong can be held to have been "done" across the globe or across the country, wherever such social media platform / internet can be accessed. The Legislature has used the words "where wrong was done" and not "where wrong is likely to be done" or "wherever wrong is possible".

38. Wrong to the person of the plaintiff by libel would be done not by the mechanical act of tweeting by the defendant of the content defamatory to the plaintiff but by communication thereof

to at least one person other than the plaintiff or the defendant and knowing the plaintiff and in whose esteem, the plaintiff would fall by reading the defamatory tweets. Merely the tweets of the defendant, even if defamatory of the plaintiff, sitting on the internet, even if accessible anywhere, would cause no wrong of defamation to the plaintiff. Merely because the tweets or other material on any other social media / internet can be accessed anywhere, would not amount to a wrong being done to the plaintiff everywhere. A post on the internet which has not been downloaded, accessed and read, is like a defamatory letter in a sealed envelope and which letter cannot be said to have done any wrong of defamation till the seal is broken, the letter taken out and read and on which reading, the esteem in which the reader holds the plaintiff, falls. Wrong would be done only at the place where the said tweets are accessed and read by someone other than the plaintiff or the defendant and who knows the plaintiff.

39. The plaintiff, not only in para no.37 of the plaint reproduced above, but in no other paragraph of the plaint has pleaded the said tweets of the defendant to have been downloaded, accessed and read by anyone in Delhi and in whose esteem the plaintiff has fallen by reading the said tweets. The plaintiff has merely pleaded that the defendant has tagged the twitter handles of famous news channels having large number of followers and also on the twitter handles of various well-known individuals and organizations including „Prime Minister of India“, „Arun Jaitely“, „Federation of Indian Chambers of Commerce and Industry (FICCI)“, „Escorts Group“, „Make In India“ etc. There is no averment in the plaint that the said tweets were downloaded, accessed and read by anyone in Delhi, causing wrong to the plaintiff.

40. There is no presumption in law or of fact, of content posted on the internet, though accessible, having been read. There is no publication of libel, till communication thereof is completed i.e. till the sealed envelope is opened and the libellous content thereof read.

41. I reiterate that the plaintiff has not given any such particulars in the plaint. No damage to the reputation of the plaintiff at Delhi has been pleaded. For that matter, it is not even the plea that the plaintiff has a reputation at Delhi.

45. There is another aspect. Section 19 vests a plaintiff in a suit for compensation for defamation with an option to sue in either of the Courts i.e. where the wrong is done or where the defendant resides / carries on business, only when the two are different. This is clear from use of the words "....if the wrong was done within the local limits of jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of jurisdiction of another Court". However this option would not be available to a plaintiff, wrong to whom by defamation is done within the jurisdiction of same

Court within whose jurisdiction the defendant resides. It will not be open to such a plaintiff to contend that wrong has been done to him / it, also within the jurisdiction of another Court. I repeat, Section 19 vested option only in plaintiff for a situation where no wrong is done where defendant resides. If wrong is done where defendant resides, there is no option but to sue where defendant resides.”

13. Thus, on a joint reading of judgments in *Tejpal (supra)* and *Operation Mercy (supra)*, it is the opinion of the Court that the present plaint does not even prima facie disclose the ingredients of defamation having taken place in Delhi. Only because the alleged defamatory content is available online across the globe, it does not give the right to the plaintiff to sue across the globe. Harm to his reputation or any damage suffered by him in the jurisdiction in which he wishes to sue, must be shown by the plaintiff for the Court to exercise jurisdiction under CPC.

14. Hence, in the opinion of the Court, this Court does not have jurisdiction to entertain the present suit and the plaint is returned to the plaintiff to be filed before the Court of proper jurisdiction.

15. File be consigned to record room after due compliance.

(Bhavna Kalia)
DJ-1 (South-East), Saket Court
New Delhi/08.06.2026(sk)