



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on: 16th January, 2024*
Pronounced on: 31st May, 2024

+ **CS(OS) 2033/2007**

MAHAVEER SINGHVI
A-302, External Affairs Hostel,
Kasturba Gandhi Marg,
New Delhi-110001.

..... Plaintiff

Through: Mr. Aadil Singh Boparai, Mr. Sumer
Singh Boparai, Mr. Sadiq Noor,
Advocates with plaintiff in person.

versus

1. **HINDUSTAN TIMES LIMITED**
Hindustan Times (English Daily)
18-20, Kasturba Gandhi Marg,
New Delhi-110001.

2. **SHRI VIR SANGHVI**
Editor,
Hindustan Times (English Daily)
Hindustan Times Limited,
18-20, Kasturba Gandhi Marg,
New Delhi-110001.

3. **SHRI SAURABH SHUKLA**
Reporter/Correspondent
Hindustan Times (English Daily)
Hindustan Times Limited,
18-20, Kasturba Gandhi Marg,
New Delhi-110001.

.....Defendants

Through: Mr. M. Dutta and Mr. Aditya Guha,
Advocates.

+ **CS(OS) 2034/2007**



MAHAVEER SINGHVI

A-302, External Affairs Hostel,
Kasturba Gandhi Marg,
New Delhi-110001.

.....Plaintiff

Through: Mr. Aadil Singh Boparai, Mr. Sumer
Singh Boparai, Mr. Sadiq Noor,
Advocates with plaintiff in person.

versus

1. **HINDUSTAN TIMES LIMITED**

Hindustan (Hindi Daily)
Hindustan Times Press
18-20, Kasturba Gandhi Marg,
New Delhi-110001.

2. **MRS. MRINAL PANDEY**

Editor,
Hindustan (Hindi Daily)
Hindustan Times Press,
18-20, Kasturba Gandhi Marg,
New Delhi-110001.

3. **SHRI RAKESH KUMAR SINGH**

Reporter/Correspondent
Hindustan (Hindi Daily)
Hindustan Times Press,
18-20, Kasturba Gandhi Marg,
New Delhi-110001.

.....Defendants

Through: Mr. M. Dutta and Mr. Aditya Guha,
Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



“Reputation, fragile as it may be, has the tenacity to withstand untruthful assault on it. It is the truthfulness of one’s character which ultimately prevails.”

1. The aforesaid two Suits have been filed by the plaintiff seeking *compensation/damages* in the sum of Rs. 5 Crores each for loss of his reputation, against the defendants.
2. The plaintiff in his student life, was a well-known figure of Rajasthan and various newspapers continuously highlighted his scholastic achievements. He possessed an extraordinary brilliant academic record and was an achiever and had received Gold Medal from Rajasthan University. He was selected for the Union Civil Services by the Union Public Service Commission (UPSC) twice in the year 1995 and in the year 1999 and also for Rajasthan Administrative Service Examination. In the year 1999, the plaintiff got appointed in the Indian Foreign Service. He joined Lal Bahadur Shastri National Academy of Administration on 20.09.1999. His conduct and performance was appreciated during his training period and the appreciation letters were issued to him. Thereafter, he joined the Foreign Service Institute, New Delhi and his work was again appreciated during his tenure with the FSI.
3. The plaintiff has claimed that the **Newspaper “Hindustan Times”** /defendant No. 1 represented through its publisher Mr. Rakesh Sharma and defendant Nos. 2 and 3, Mr. Vir Sanghvi and Mr. Saurabh Shukla, the Editor and the correspondent respectively, published an Article on 19.07.2002, under the heading ***“IFS PROBATIONER SACKED AFTER TAPES “PROVE” MISCONDUCT”***. Similar news got published in the Hindi Edition of the **Newspaper “Hindustan” on 21.07.2002** under the caption



“*shadi se inkar karne par adhikari ne yuvti ka jeena haram kiya*”. It is claimed that these Articles that were published in the two Newspapers, were in gross violation of the norms of journalistic conduct issued by Press Council of India. There is not even an iota of truth in the facts mentioned in these Articles in regard to the obnoxious conversation with a woman on tape and abusive and expletive language used by the plaintiff. The such conversation never took place with any woman at any point of time despite which defamatory facts got published in this regard with ulterior motive of defaming the plaintiff in public.

4. The plaintiff has alleged that with the intention of maligning him and with the motive of character assassination, the Article had been published very cleverly with stories about some other person but the whole weight and unity of impression of the Article fell upon the plaintiff, which resulted in utmost damage to him. This Article is claimed to have been published in conspiracy with some disgruntled persons.

5. The plaintiff has asserted that the statements/observation made in the Article, is in fact capable of being understood in defamatory sense and the word sentences used in the Article, have actually hurt and caused harm to the reputation and clean image of the plaintiff. The Article as a whole, including the title, language, words and the context, have definitive defamatory meaning which is apparent from the bare reading of the two Articles.

6. The defendants published another Article on 30.08.2002 in English News Daily “*Hindustan Times*” to cover up the wrong done by them with the heading “*Foreign Office in a quandary over probationer’s sacking.*” The contents of this Article reflect that it is contradictory to its earlier



Article making it clear that the earlier Article dated 19.07.2002, was baseless and was published in bad faith.

7. Distraught and traumatized by the unprecedented turn of events in his life and beginning of illustrious career, the plaintiff was aggrieved by the Newspaper reports which in his estimation offended his dignity, lowered his prestige, moral and intellectual character in the eyes of colleagues, friends, family members and the general public resulting in immense damage to his reputation. He has claimed that it also resulted in severe adverse socio-economic consequences. The mother of the plaintiff could not bear the shock and became bed ridden which finally took her life on 22.01.2003, due to continuing mental trauma, tension, defamation and harassment caused by the false, libelous, scandalous and defamatory Article. The plaintiff's sisters' marriage talks, which were going on with the prospective groom from a reputed family, failed because of this Article. The plaintiff and the family have got stigmatized for their entire life without any basis.

8. The plaintiff has sought Rs. 2.5 Crores for damages on account of continued mental health and Rs. 2.5 Crores for loss, lowering of his reputation adding up to Rs. 5 Crores each, in the two Suits.

9. The defendants in their **Written Statement**, have taken a *preliminary objection* that the defendants had acted in good faith and with due diligence without any malice. The defendant No. 3, believed the truth of the contents of the alleged Article, to be substantiated and borne out by the Reply filed by the Union of India in O.A No. 2038/2002 in 'Mahaveer C. Singhvi vs. UOI', before the Central Administrative Tribunal, Principal Branch, New Delhi. The defendants have claimed that they complied with journalistic ethics and expected adherence to the journalistic standards and norms, in all



respects.

10. **On merit**, all the averments made in the Suit, are denied. It is claimed that the defendant Nos. 1 and 2, are sought to be made vicariously liable for the Article written by the defendant No. 3, about which they had no personal knowledge. The defendant No. 3 also before getting the Article published, had conducted adequate verification and independent establishment of truth of facts and in good faith before publically reporting the facts in his Article. The publication was without malice and was fair reporting. It is submitted that the present Suit has no merit and is liable to be dismissed.

11. The plaintiff in the Replication, has reiterated the assertions contained in the plaint.

12. **The issues in Suit bearing CS(OS) 2033/2007** were framed on 19.11.2007, as under:-

(i) *Whether the news article dated 19th July, 2002 published in "The Hindustan Times" has defamed the plaintiff, if so, to what effect? OPP*

(ii) *Whether the plaintiff is entitled for damages, if so, how much? OPP*

(iii) *Whether the plaintiff is entitled for interest, if so, on what amount, for what period and at what rate? OPP*

(iv) *Whether the suit has not been properly valued for the purpose of Court fees and jurisdiction and appropriate Court fees has not been paid? OPP*

(v) *Relief*

13. **The issues in Suit bearing CS(OS) 2034/2007** were framed on



19.11.2007, as under:-

- (i) *Whether the news article dated 21st July, 2002 published in "Hindustan" has defamed the plaintiff, if so, to what effect? OPP*
- (ii) *Whether the plaintiff is entitled for damages, if so, how much? OPP*
- (iii) *Whether the plaintiff is entitled for interest, if so, on what amount, for what period and at what rate? OPP*
- (iv) *Whether the suit has not been properly valued for the purpose of Court fees and jurisdiction and appropriate Court fees has not been paid? OPP*
- (v) *Relief*

14. The plaintiff as PW-1, tendered his evidence by way of affidavit Ex.PW-1/A.

15. PW-2 Mr. Ashwini Taneja, PW-3, Mr. Mahip Chamber and PW-4, Dr. Sanjeev Gemawat, in their respective affidavit of evidence, have deposed that the plaintiff was known to them and after the Article, the reputation of the plaintiff got lowered in their estimation.

16. PW-5, Mr. Dig Vijay Nath, Section Officer in the Ministry of External Affairs (MEA), Delhi, has produced the certified copy of Order dated 13.06.2002 Ex.PW5/1 and the office copy of Letter dated 12.01.2004 Ex.PW-5/2 issued by the Ministry of External Affairs.

17. PW-6 Mr. Harish Girdhar, Assistant, Press Council of India, has produced the 'Norms of Journalistic Conduct' Edition 2005 Ex-PW-6/1, printed by Press Council of India.



18. PW-7, Mr. Deepak Shahani, Senior Manager, Alcobex Metals Ltd., has proved the Letter dated 21.11.2005 Ex.PW-7/1, vide which Alcobex Metals Ltd. refused to appoint him in their Organization because of he having been sacked from Indian Foreign Service on account of misconduct as reported in the Article published in the '*Hindustan Times*'.

19. Mr. Rakesh Sharma, defendant No. 1 publisher of '*Hindustan Times*, tendered his evidence by way of his affidavit exhibited as Ex. DW-1/A and has deposed that every Article published by defendant No. 1 is mere reporting and adheres to the highest standards of ethics and integrity with no intention to malign, undermine or defame any individual.

20. Learned counsel appearing on behalf of the plaintiff has argued that he got appointed in the Indian Foreign Service (IFS) on 20.09.1999 but while he was under probation, he got terminated on 13.06.2002. He challenged his dismissal before the Central Administrative Tribunal (CAT), which dismissed his Petition. However, the High Court vide its Order dated 29.08.2008 directed reinstatement of the plaintiff, which was upheld by the Apex Court vide its Order dated 29.07.2010 in '*UOI vs. Mahaveer C. Singhvi*' SLP No. 27702/2008. It is argued that the defendant admits publication of the Article in the '*Hindustan Times*' and in '*Hindustan*' Hindi version. It is claimed that in the said Articles reporting his termination from job on account of having denied marriage with a woman, were without any basis and disclosed his name. Another Article on the basis of taped conversation also got published, but there was no apology tendered for the harm and damage caused to the plaintiff by incorrect reporting. The plaintiff had issued three Notices dated 22.01.2003, 10.04.2003 and 20.06.2003 seeking apology from the defendants, with which they were not



forthcoming. It is submitted by the plaintiff that it has been wrongly asserted by the defendants that the basis of the Article, was the Reply filed by the defendants before the CAT.

21. **In the written submissions**, the plaintiff has argued that several defamatory facts have been mentioned in the Articles, in a cooked-up story, without any truth therein. Moreover, when defamatory facts concerning any person, is published in a Newspaper, it is for the author, editor and publisher of the Newspaper, to prove aliunde that the defamatory facts that were published, were wholly true. Reliance has been placed on 'Sewakram Sobhani vs. R.K. Karanjia' (1981) 3SCC 208.

22. Furthermore, the intention of the person making an imputation is immaterial as there is presumption of malice in law in a statement is untrue and defamatory for which reliance has been placed on 'Major General M. S. Ahluwalia vs. Tehlka.com & Ors.', 2023 DHC 5073.

23. It is submitted that the defence projected by the defendants that they had published and circulated the information, which they had received from a source subsequent to discharge of the plaintiff from service, is of no assistance to them. The bare perusal of the Discharge Order reflects that there was no imputation on the plaintiff. The Ministry of External Affairs where the plaintiff was employed, has categorically denied having given any information to the defendants as published by them in the Newspapers. Both the author of the news Articles (defendant No. 3) and the Editor (defendant No. 2) of both 'Hindustan Times' and 'Hindustan' Newspapers, have not testified in the present Case nor have they tendered their evidence by way of any affidavit. The Editors of both the Newspapers, have also not filed any Written Statement. Only the publisher/DW-1 has deposed in defence of the



defendants. DW-1 has admitted in his cross-examination that he did not personally verify the authenticity and credibility of the source of information based on which the Articles were published. He also admitted that he had neither seen nor heard the alleged tapes wherein the alleged conversation between the plaintiff and a woman, had taken place nor was he in possession of those tapes. He also admitted that the alleged Enquiry Report of Mr. P.L. Goyal and the Order of the Minister, were not available with him. It is argued that none of the defendants have been able to produce or prove the alleged tapes and the transcript of the obnoxious, abusive conversation as claimed in the defamatory News Articles. They have not been able to substantiate that *“the plaintiff was denied marriage by a women due to which the plaintiff was harassing her and after interference by a Central Minister, the plaintiff was suspended.”*

24. It is further submitted that the Article dated 30.08.2002, in the Newspaper ‘Hindustan Times’ titled *“Foreign Office in a quandary over probationer’s sacking”* published after the CAT **discharge** order stated therein that *“nobody knows the truth in the matter”*. It is claimed that this Article dated 30.08.2002, is no retraction of the defamatory imputations as had been alleged in the Article published against the plaintiff nor did it contain any apology.

25. The defendants’ reliance on the counter-affidavit dated 18.10.2002 of UOI before the CAT in O.A No. 2038/2002 came admittedly after three months of the publication of the defamatory News Article and is of no assistance to the defendants as it does not prove the truth of the defamatory facts, written and published in the News Articles. Moreover, this counter-affidavit has not been proved during the evidence, in accordance with law.



Reliance has been placed on 'Malay Kumar Ganguli vs. Sukumar Mukherjee and Ors.' (2009) 9 SCC 221, wherein it has been held that a document becomes inadmissible in evidence unless the author thereof, is examined. The reliance has also been placed on 'Akshoy Kumar Bose vs. Sukumar Dutta', AIR 1951 Calcutta 321, 'Seethapathi vs. Venkanna', AIR 1992 Mad (FB), 'Gulab Chand vs. Sheo Karan Lall,' AIR 1964 Pat 45, 'Lakshan Chandra vs. Takim Dhali', AIR 1924 Cal 558, 'Manbodh vs. Hirasai', AIR 1926 Nag 339, 'Tarkeshwar Prasad vs. Devendra Prasad', AIR 1926 Pat 180.

26. The plaintiff has further submitted that the Supreme Court in his judgment dated 29.07.2010 in its SLP No. 27702/2008, titled 'UOI vs. Mahaveer C. Singhvi' not only quashed the Order of discharge dated 13.06.2002 of the plaintiff but also observed that nothing was found against the respondent, on the basis of the enquiries conducted and there was no material on record to support the observations made by the responsible official in the Ministry, which clearly discloses the prejudice of the authorities concerned against the respondent. It is argued that there was *complete lack of good faith and due care and caution* on the part of the defendants as is also evident from the facts that the Articles were published in utter disregard to the norms issued by the Press Council of India regarding pre-publication verification. Moreover, the defendants despite repeated Notices failed to respond to them. The manner and wordings of the defamatory Articles, clearly show that they were intended to scandalize and to provide salacious material to the readers.

27. For the purpose of quantification of the amount of damages and interest there on, the plaintiff has relied on *Major General M. S. Ahluwalia*



(supra). The plaintiff has also relied upon Judgments 'Union of India & Ors. vs. Mahaveer C. Singhvi,' (2010) 8 SCC 220; 'Sewakram Sobhani vs. R.K. Karanjia, Chief Editor, Weekly Blitz and Ors.,' (1981) 3 SCC 208; 'Rajeev Aggarwal vs. Vijay Kumar Diwakar & Anr.,' 2011 SCCOnline Del 4399; 'Malay Kumar Ganguly vs. Sukumar Mukherjee & Ors.,' (2009) 9 SCC 221; 'Colin Dods vs. Micheal McDonald,' 2016 (VCS) 201; 'Rakesh Sharma and Ors. vs. Mahavir Singhvi,' 2008 DHC 1938; 'Rakesh Sharma & Ors. vs. Mahaveer Singhvi,' Crl App 305-07 of 2010 (Supreme Court); 'Major General M. S. Ahluwalia vs. Tehlka.com & Ors.,' 2023 DHC 5073; 'Radheshyam Tiwari vs. Eknath Dinaji Bhiwapurkar,' AIR 1985 Bom 285; 'Snm Abdi vs. Prafulla Kr. Mahanta and Ors.,' AIR 2002 Gau 75 and 'Gulab Chand And Ors. vs. Sheo Karan Lall Seth and Ors.,' AIR 1964 Pat 45, in support of his assertions.

28. The *defendants in their written arguments* have vehemently denied that the Articles impugned in the present Suit, were based on false facts. It is asserted that it had merely reported the information as received from the authorities. The Articles were based on information received through confidential source and were duly verified. The source being confidential, cannot be revealed by the defendants. It is further argued that the reporting was in good faith, after exercising due diligence and without malice. It is further submitted that the truth of the News Articles, stands fully corroborated by the Reply of UOI filed in O.A No. 2038/2002. Moreover, the Article had been published in public interest. It has further argued that in the complaint made by the lady, she had referred to about thousand calls made by the plaintiff, to her and the CDRs along with the transcripts and the cassettes had been produced by her. There were also enormous number of



letters produced by the lady, which had been written to her, by the plaintiff. It has being established that on 18.02.2002, the plaintiff was not present in his Office despite it being working day. It is because of the conduct of the plaintiff that he was discharged from the service.

29. ***Learned counsel on behalf of the plaintiff, in the rejoinder arguments***, has submitted that the defendants are claiming the truthfulness of their Articles on the basis of the Counter-Claim dated 18.10.2002. It is further submitted that the Apex Court in its Judgment dated 29.07.2010, *UOI vs. Mahaveer C. Singhvi (supra)*, in various paragraphs, has observed in favour of the plaintiff. It has also been observed that the termination of the complainant was without holding any enquiry. It is, therefore, submitted that the Articles published in the Newspaper, were clearly malicious and the plaintiff is entitled to the damages as claimed.

30. **Submissions heard.** The documents and the evidence perused.

31. My **issuewise findings** are as under:-

Issue No.1: *Whether the news article dated 21st July, 2002 published in “Hindustan” has defamed the plaintiff, if so, to what effect? OPP*

32. The plaintiff had filed this Suit as an indigent person and he was exempted from filing the Court fee. It was converted into the Suit *vide* Order dated 25.09.2007.

33. Before we embark on the merits of whether the plaintiff was defamed, it would be significant to first understand the concept of “*defamation*” and “*reputation*”.

Definition: Defamation



34. According to **Chambers Twentieth Century Dictionary**, Defamation means to take away or destroy *the good fame or reputation; to speak evil or; to charge falsely or to asperse* .
35. **Salmond & Heuston** on the Law of Torts, 20th Edn.⁷ define a defamatory statement as under:-
- “A defamatory statement is one which has a tendency to **injure the reputation** of the person to whom it refers; which tends, that is to say, to **lower him in the estimation of right thinking members of society** generally and in particular to cause him to be regarded with feelings of hatred, contempt, ridicule, fear, dislike, or disesteem. The statement is judged by the standard of any ordinary, right thinking member of society...”*
36. **Halsburys Laws of England**, Fourth Edition, Vol.28, defines a ‘defamatory statement’ as under:-
- “A defamatory statement is a statement which tends to **lower a person in the estimation of right thinking members of the society** generally or to cause him to be **shunned or avoided or to expose him to hatred**, contempt or ridicule, or to convey an imputation on him disparaging or injurious to him in his office, profession, calling trade or business.”*
37. Simply stated, **Defamation** has been defined as a “*false statement about a man to his discredit*” by **Justice Cave** in the case of Scott vs. Sampson QBD1882 and applied by Indian Courts in Bata India Ltd. vs. A.M.. Turaz & Ors. 2013 (53) PTC 586 and Pandey Surindra Nath Sinha vs. Bageshwari Pd. AIR 1961 Pat. 164 (1882) QBD 491.
38. In Charanjit Singh v. Arun Puri ILR (1982) Delhi 953, the essence of defamation has been stated to be publication of a false statement



concerning another person without justification. There can be defense of privilege, fair comment, consent etc

39. The intrinsic facet of “Defamation” is harm to “reputation” or lowering the estimation of a person in public domain. This makes it pertinent to understand what constitutes “reputation”.

Definition: Reputation

40. Allusions to **reputation** would clearly exposit the innate universal value of “reputation” and how it is a cherished constituent of life and not limited or restricted by time, as stated by Bombay High Court in the case of Manisha Koirala vs. Shashi Lal Nair & Ors, 2003 (2) Bom CR 136.
41. To understand the concept of reputation, the distinction between character and reputation needs to be emphasized as *it is reputation and not character which the law aims to protect*. Character is what a person really is; reputation is what he seems to be. One is composed of the sum of the principles and motives which govern his conduct. The other is the result of observation of his conduct, the character imputed to him by others. The right to reputation in its vital aspect, is not concerned with fame or distinction. It has regard, not to intellectual or other special acquirements, *but to that repute which is slowly built up by integrity, honorable conduct, and right living*. One's good name is therefore, as truly the product of one's efforts as any physical possession; indeed, it alone gives the value as source of happiness, to material possessions. *It is, therefore, reputation alone that is vulnerable; character needs no adventitious support*.



42. **Kinhead on Torts, i, 759** succinctly states the difference between character and reputation. It was observed that they are not synonymous, rather they may be directly contrary to each other. A man may have a good character and a bad reputation, being unjustly judged by the public; or he may have a bad character and a good reputation, standing in a false light before the public. In most cases, reputation reflects actual character. Since the right is only to respect so far as it is well founded, it is obviously not infringed by a truthful imputation. *But the law justly deems any derogatory imputation false until it is shown to be true.* Moreover, while the law requires a certain degree of proof to overcome this presumption, it also recognizes the human mind's propensity to believe evil upon slight evidence; hence those representations which tend to influence public opinion in that respect are deemed to have done so.
43. **Lord Denning** explained the distinction between character and reputation in Plato Films Ltd. vs. Spiedel (1961) 1 All. E.R. 876 as under :
- “A man’s “character”, it is sometimes said, is what he in fact is, whereas his “reputation” is what other people think he is. If this be the sense in which you are using the words, then a libel action is concerned only with a man’s reputation, that is, with what people think of him: and it is for damage to his reputation, that is, to his esteem in the eyes of others, that he can sue, and not for damage to this own personality or disposition.”*
44. In Om Prakash Chautala vs. Kanwar Bhan and others (2014) 5 SCC



417 Supreme Court observed that reputation is fundamentally a glorious amalgam and unification of virtues which makes a man feel proud of his ancestry and satisfies him to bequeath it as a part of inheritance for posterity. It is nobility in itself which a conscientious man would never barter with all the tea of China or for that matter all the pearls of the sea. When reputation is hurt, a man is half-dead. It is an honour which deserves to be equally preserved by the downtrodden and the privileged. No one would like to have his reputation dented, and it is perceived as an honour rather than popularity.

45. Similar observations were made by the Apex Court in the case of Vishwanath Agrawal vs. Saral Vishwanath Agrawal (2012) 7 SCC 288, wherein it observed that reputation which is not only the *sail of life*, but also the purest treasure and the most precious perfume of life. It is a revenue generator for the present as well as for the posterity.

46. In Umesh Kumar vs. State of Andhra Pradesh and Anr. (2013) 10 SCC 591, the Supreme Court observed that good reputation is an element of personal security and is protected by the Constitution equally with the right to the enjoyment of life, liberty and property and as such it has been held to be a necessary element in regard to right to life of a citizen under Article 21 of the Constitution.

47. *In essence, any statement which has a tendency to injure the reputation of the person or lower him in the estimation of members of the society results in loss of reputation and is consequently defamatory.*

48. For ascertaining if any statement has caused loss of reputation, the question which follows for consideration is the existence of *wrongful intention* to cause harm to the reputation of another, which may be termed as



“malice”, and be considered as an essential ingredient to establish defamation.

49. ‘Malice’ means ‘malevolence’ or ill will which may be -in fact or -in law. In the Indian context, the distinction between “malice in fact” and “malice in law” is evident in the two branches of law i.e. civil and criminal.

50. Section 499 of IPC which defines criminal defamation, speaks of proof of “malice in fact”. ‘Malice in Fact’ is present when the ill intention translates into a deliberate act that injures another in an unlawful manner with the motive to cause such harm as explained in the case of West Bengal State Electricity Board vs Dilip Kumar Ray, (2007) 14 SCC 568. Actual malice is a question of fact which requires specific proof.

51. In Jeffrey J. Diermeier and Anr. Vs. State of West Bengal and Anr. (2010) 6 SCC 243, while deliberating on the aspect as to what constitutes defamation under Section 499 of Indian Penal Code, 1860 the Court held that there must be an imputation and such imputation must have been made with *the intention of harming or knowing* or having reason to believe that it will harm the reputation of the person about whom it is made. It would thus, be sufficient to show that the accused intended or knew or had reason to believe that the imputation made by him would harm the reputation of the complainant, irrespective of whether the complainant actually suffered directly or indirectly from the imputation alleged.

52. The law of defamation in the *civil context* provides that even the words spoken *without ill-will*, may be actionable and in such cases the malice is implied in the act of speaking or publication. This kind of malice is called “legal malice” or “malice in law” It is said to exist in speaking defamatory matter without legal excuse, because such words are spoken



wherein the law implies malice. Thus, the legal malice is a fiction which is implied from the circumstances.

53. The Apex Court in the case of S.R. Venkataraman vs. Union of India, (1979) 2 SCC 491, explained that in civil proceedings, actual malicious intention need not be established as the ‘malice in law’ is assumed from the commission of a wrongful act. Reliance was placed on Viscount Haldane’s reasoning for the presumption of ‘malice in law’ in Shearer and another v. Shield, 1914 AC 808 which reads as under:

“A person who inflicts an injury upon another person in contravention of the law is not allowed to say that he did so with an innocent mind; he is taken to know the law, and he must act within the law. He may, therefore be guilty of malice in law, although, so far the state of his mind is concerned, he acts ignorantly, and in that sense innocently.”

54. Thus, in Civil proceedings, the *malicious intention of a person* making an imputation is immaterial; when a statement is untrue and is defamatory by its very nature as there is a presumption of “*Malice in Law*.”

55. Given the presumption of “*Malice in Law*”, what needs to be considered is the nature and extent of injury to invite an action for defamation. Fundamentally, injury to the reputation being the gist of the action; evidence of loss of reputation is necessary as without some evidence, it would not be clear that reputation had in fact, been injured. But the injury must be appreciable, that is, capable of being assessed by the Court. Hence, no action lies for mere vulgar abuse or for words which have inflicted no substantial injury as espoused in the maxim: *de minimis non curat lex* (the law does not concern itself trifles or with insignificant or minor matters.).



56. The application of this maxim was explained in Chaddock v. Briggs, (1816) 13 Mass. 248:

“Some words, however, although spoken falsely and maliciously, are not of a nature to produce actual injury, because, being common terms of reproach, more indicative of the temper of the speaker than of any specific defect of character in him of whom they are spoken, it cannot be presumed that they have produced any injurious effect; and therefore to make such words the basis of an action it is necessary to allege and prove that some damage did actually follow the speaking of the words.”

57. To crystallize the points to ponder, the Court needs to consider whether the averments made in the plaint come within the contours of “malice in law” i.e. whether it *has a tendency to injure the reputation of the person or lower him in the estimation of members of the society results in loss of reputation and is consequently defamatory*. For this, malicious intention of a person making an imputation, is immaterial. Also, some evidence of loss of reputation is necessary. While so adjudicating, the Court cannot concern itself with the trifles or mere vulgarity which though may be distasteful, *but essentially lacks the potential of being injurious*.

Right to Free Speech and Right to Reputation under International Law

58. Having stated the fundamentals of Civil defamation, what requires further deliberation is the right of free speech and expression which is recognized as a fundamental right of all human beings and the limitations thereon. The Article 12 of *Universal Declaration of Human Rights*,



1948(**UDHR**) provides that :

“12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

59. The Article 19 of *International Covenant on Civil and Political Rights (ICCPR)* similarly expressly subjects the right of expression to the rights and reputation of others. It reads thus:

“19. (1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(3) The exercise of the rights provided for in Para (2) of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary :

(a) for respect of the rights or reputations of others;

(b) for the protection of national security or of public order (order public), or of public health or morals.”

60. Article 10 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)* provide:

*“10. **Freedom of expression.**—(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary



in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

61. These Human Rights Declarations, Covenants and Conventions reflect the purpose of free speech and recognise reputation as an inseparable right of an individual. They juxtapose the right to freedom of speech and expression and the right of reputation thereby culling out restrictions on the former and demonstrating a need for balancing both rights.

Right of Press, Right to information and Right to Reputation- Balancing rights under Article 19 and Article 21

62. Through the concept of *unjust harm to reputation*, defamation laws tend to measure the right to freedom of expression against the right of a person to maintain their reputation. Therefore, an analysis of the law of defamation also requires an understanding of right to freedom of speech and expression, right to reputation of an individual and right of citizens to information in a Democratic society.

63. In Bennett Coleman & Co. v. Union of India, (1972) 2 SCC 788 the Apex Court observed that freedom of the press means the right of all citizens to speak, publish and express their views. The freedom of the Press simultaneously embodies the right of the people to read and information.

64. In today's free world, freedom of Press is the heart of social and political intercourse. The press has now assumed the role of the public educator making formal and non-formal education possible in a large scale particularly in the developing world, where television and other kinds of



modern communication are not still available for all sections of society. The purpose of the Press is to advance the public interest by publishing facts and opinions without which a democratic electorate cannot make responsible judgments. The Apex Court in Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India, (1985) 1 SCC 641 categorically held .

“Newspapers being purveyors of news and views having a bearing on public administration very often carry material which would not be palatable to Governments and other authorities...It is with a view to checking such malpractices which interfere with free flow of information, democratic Constitutions all over the world have made provisions guaranteeing the freedom of speech and expression laying down the limits of interference with it. It is, therefore, the primary duty of all the Courts to uphold the said freedom and invalidate all laws or administrative actions which interfere with it, contrary to the constitutional mandate.”

65. In Secretary, Ministry of Information & Broadcasting, Govt. of India and others v. Cricket Association of Bengal and others (1995) 2 SCC 161 , it has been ruled that the freedom of speech and expression includes right to acquire information and to disseminate it. Further explaining the significance of free speech, the Apex Court in the case of Union of India and others v. Motion Picture Association and others (1999) 6 SCC 150 has observed that free speech is the foundation of a democratic society and a free exchange of ideas, dissemination of information without restraints, dissemination of knowledge, airing of differing viewpoints, debating and forming one's own views and expressing them, are the basic indicia of a free society.
66. In Bloomberg Television Production Services India pvt. Ltd. v. Zee Entertainment Enterprise Ltd. SLP (C) No. 6696/2024 the Apex court observed that in suits concerning defamation by media platforms and/or



journalists, an additional consideration of balancing the fundamental right to free speech with the right to reputation and privacy must be borne in mind.

67. Notably, the right to freedom of speech and expression under Article 19(1)(a) is not absolute *but is subject to reasonable restrictions under Article 19(2) of the Constitution* which have been imposed in the larger interests of the community to strike a proper balance between the liberty guaranteed and the social interests specified under Article 19(2).

68. The right of public to information and the duties of the Press to make the information to people at large is circumscribed by the limitation of not disseminating wrong information or to present the news in a manner causing harm to the reputation of the individuals. This responsibility is more stringent for the Media and the Press simply because of its outreach; once a thing gets published, now only is it available at all times but it reaches the entire group of people who may access the media whereby causing harm which may be irreparable. In Subramanian Swamy v. Union of India, (2016) 7 SCC 221 the Apex Court while upholding the constitutionality of the offence of Criminal defamation under Section 499 IPC observed that right to reputation is an inherent aspect of Article 21 and one's right must be exercised so as not to come in direct conflict with the right of another citizen.

Reporting of information by Press

69. It is the primary function of the Press to provide comprehensive and correct information, especially when it is brought into the public domain. The action of defamation about true and faithful reporting is unhealthy for a democratic set-up, as was observed by Bombay High Court in the case of



Vijay v. Ravindra Ghisulal Gupta Crl. Appl. No. 393/2022.

70. In R. Rajagopal v. State of T.N. (1994) 6 SCC 632 the Apex Court held that any publication based upon public records including court records is unobjectionable as it becomes a legitimate subject for comment by Press and Media. It was further held that it would be sufficient for members of Press or Media to prove that they *acted after a reasonable verification of the facts*; it is not necessary for the Press to prove that what has been written is true.

71. Further, in Jawaharlal Darda and Ors. v. Manoharrao Ganpatrao Kapsikar & Anr. (1998) 4 SCC 112 the Apex Court observed that the accused *believing the version to be true*, published the report in *good faith*, then it cannot be said that they *intended to harm the reputation* of the Complainant.

72. In Veer Arjun Newspaper Pvt. Ltd. v. Bahori Lal, 2013 SCC OnLine Del 5096 the Coordinate Bench of this Court observed that while reporting on factual matters as part of its activity of publication, the newspapers cannot be burdened with the liability of consequences of defamation. If it was to be held otherwise, it would result in reporting of only the final outcomes of disciplinary proceedings initiated against the Government officer and would deprive the public/ patrons of the Newspaper of any news about the complaints made against them.

73. In Rustom Karanjia and Anr vs V. Krishnaraj M.D. Thackersey and ors. AIR 1970 Bom 424, it was observed that journalist have the right to make *fair comments* over any controversy that concerns the public interest. However, it is their duty to ensure that the facts asserted are accurate and truthful regardless of how defamatory they may seem. Given the



consequences of such an act by a journalist, the person or organization conducting the investigation must ensure that they are in a position to prove the facts if the same is challenged. *Public interest is served only when there is integrity in the investigation.* Further, *the burden of proof* is on the publication to prove that the assertions made by them are justified and is thus, a fair comment as held in the case of *The Editor, Rashtra Deepika Ltd and ors vs Vinaya N.A.*, ILR 2017 (3) Kerala 456.

Defences of Defamation were succinctly explained by the Apex Court in the case of *Ram Jethmalani vs. Subramaniam Swamy*, 126 (2006) DLT 535. While defining defamation as public communication which tends to injure the reputation of another, the Court explained that *the defences available in a suit for defamation are of truth, fair comment and privilege.* It states as under :

“Traditional defences to an action for defamation have now become fairly crystallized and can be compartmentalized in **3 compartments: truth, fair comment and privilege.** **Truth, or justification, is a complete defence.** The standard of proof of truth is not absolute but is limited to establishing that what was spoken was ‘substantially correct’. **Fair comment offers protection for the expression of opinions.** Standard of proof is not that the Court has to agree with the opinion, but is limited to determine whether the views could honestly have been held by a fair-minded person on facts known at the time. Unlike defence of truth, defence based on fair comment can be defeated if the plaintiff proves that the defamer acted with malice. Similar is the situation where the defence is of qualified privilege. **Privilege is designed to protect expression made for the public good.** Protection of qualified privilege is lost if actual malice is established. In public interest, absolute privilege is a



complete defence. Rationale of absolute privilege being restricted to Court proceedings or proceedings before Tribunals which have all the trappings of a Civil Court and Parliamentary proceedings is that if threat of defamation suits loom large over the heads of lawyers, litigants, witnesses, Judges and Parliamentarians it would prohibit them from speaking freely and public interest would suffer.”

74. ***In summary, principal ingredients*** of the civil law of defamation are as follows: (i) *Publication of a statement* (concerning the aggrieved plaintiff) exposing the plaintiff to hatred, ridicule, or contempt or which causes him to be shunned or avoided or which has a tendency to injure him in his office, profession or calling; (ii) *Harm caused* to the plaintiff's reputation and not the intention of the defendant is material; that the defendant had no intention to defame the plaintiff, is irrelevant; (iii) The statement *must be published* by the defendant *to a third person*; and (iv) the statement *must be false*. The **defences available** especially in the context of newspaper publications are a *truthful statement, fair comment for public good* and *privileged statements* cannot attract civil liability.

75. In the light of discussion of contours of defamation and the available defences, the facts of this case may now be examined.

Analysis & Findings:

76. The admitted facts are that the plaintiff who was a distinguished scholar having won various medals and accolades in his student days, got selected in the UPSC Examination in the year 1999 and was appointed in Indian Foreign Service. His allocation and appointment to Indian Foreign Service is Ex.PW1/16 and 1/17. He joined Lal Bahadurs Shastri National



Academy of Administration on 20.09.1999 and was well appreciated for his conduct and performance during the training. The Appreciation Letter and Certificate issued to him are Ex.PW1/18 and 1/19 respectively. The plaintiff admittedly was discharged/terminated on 13.06.2002, while he was under Probation, vide letter dated 13.06.2002 Ex.PW1/20, wherein it simply read as:

“The President hereby discharges forthwith from the service Shri Mahaveer Singhvi, IPS probationer (1999 batch) in accordance with the terms of employment issued vide order No. Q/PA-11/578/32/99 dated 21st September, 1999.”

77. Thus, began the days of humiliation for the plaintiff. An article dated 18.07.2002 appeared in the Hindustan Times with the heading “*IFS probationer sacked after tapes ‘prove’ misconduct*”. The saidewspaper clipping read as under:

“IFS probationer sacked after tapes ‘prove’ misconduct
While The Tehelka tapes rocked the Ministry of Defence, another set of incriminating tapes are now rocking the other side of South Block – the Ministry of External Affairs. And they have already begun taking a toll: Seniors in the MEA have sacked a IFS probationer for misconduct on the basis of a conversation on the tapes. Sources say this is the first time an IFS probationer has been sacked for misconduct. The tapes ‘proved’ Mahaveer Singhvi of the 1999 batch, had obnoxious conversation with a woman. Apparently, the tapes were heard even by the then Foreign Minister Jaswant Singh, who ordered the probationer be immediately sacked. According to IFS conduct rules, a probationer can be sacked without notice. However, in this case, an inquiry was conducted by the then Additional Secretary



(Administration) P.L. Goyal initially. But once the minister passed the order, action against the officer was instant.

Though Singhvi was due for a posting abroad, the conversation on the tape, which reportedly contained abusive and expletive language, was so incriminating that the extreme action taken against him was inevitable, South Block sources say.

They add that the sacking has sent a strong message around the Foreign Office: misconduct would not be tolerated.

However, many officials feel the whole issue smacks of double standards. They concede action had to be taken against the probationer, but they say another tape that was handed over to the then Foreign Secretary Chokila Iyer and which contain “disclosures about Consul General R.P. Singh’s conduct” in Istanbul, seems to have been brushed under the carpet. Instead, he has been rewarded because of his proximity to a senior official in the Administration division of the Foreign Office, a source said.

The tape reportedly alleges R.P. Singh misbehaved with a local female employee of the Indian Consulate in Istanbul.

Old Foreign Office hands feel the new team will have to crack down with an iron hand on officials who sully the MEA’s image and often get away because of some key officials’ patronage.”

78. This article needs to be tested on the touchstone of **whether it is untruthful made with an intention to harm the reputation or was made good faith on the basis of Government records.**

79. The Newspaper reporting stated that another set of *Tapes* circulating in the Ministry of External Affairs has taken a toll on plaintiff, an IFS probationary officer who had been sacked because of his misconduct as the



tapes proved that he had obnoxious conversation with the woman. The Article says that the reason for this sacking was apparently the tapes that were heard by the then Foreign Minister who ordered the immediate discharge of the IFS. The Newspaper Article mentions that as per IFS Conduct Rules, probationer can be sacked without the Notice, but in this present case an enquiry was conducted by the Additional Secretary initially. But, once the Minister passed the Order, the action against the Officer was instant. The News further reported that though the plaintiff was due for a foreign posting, the conversations on the tape were so incriminating that an extreme action taken against him became inevitable. It was also added that the action taken was to send a strong message in foreign office that misconduct would not be tolerated. Similar incident involving another Officer was reported, wherein the Officer who had apparently misbehaved with a local female employee in the Consulate in Istanbul, but it was observed that seemingly it had been brushed under the carpet and he was apparently rewarded because of his proximity with the senior Officers. The news Article was concluded by observing that Foreign Office hands feel that new team will have to crack down with an iron hand on officials who sully the MEA's image and often get swayed because of some key official's patronage.

80. From the entire Newspaper Article, it is quite evident that it is a neutral reporting of an incident wherein it has been reported that there was a Tape concerning the plaintiff, containing obnoxious language received in the office of MEA and while the enquiry was being conducted by the Additional Secretary, the Minister took the call of discharging the plaintiff without any enquiry because he was a Probationary Officer. Essentially, this is a *truth*



i.e. statement of facts which have merely been reported. The fact is that it is a balanced reporting without imputing any misconduct on the part of the plaintiff; rather another similar instance has been referred to and it has also been observed that in the said incident, the Officer was able to get away without any action only because of his personal patronage with the Senior Officers. From the entire Article, it cannot be inferred that there were any malicious false allegations or conduct attributed to the plaintiff. Rather, the *truth of initiation of an enquiry* and during its pendency, discharge of the plaintiff while on Probation, is not in dispute. That a Tape containing obnoxious conversation of a woman, is also not disputed. No other facts have been mentioned in the Newspaper Article. It is evident that the reporting was a fair comment, based on their sources and was not defamatory.

81. The second News Article dated 29.08.2002 followed in the Hindustan Times, which reads as under:

“Foreign office in a quandary over probationer’s sacking

A BLAME game is on in the Foreign Office following a recent stay order of the Central Administrative Tribunal (CAT) preventing the Foreign Office from sacking an Indian Foreign Service officer – Mahaveer Singhvi of the 1999 batch.

The sacking episode was mired in a controversy from the beginning, now the matter has become intriguing with some new facts coming to light.

Sources say the sacking of the probationer was ordered by then External Affairs Minister Jaswant Singh based on an “alleged tape conversation” and no formal inquiry was conducted.

The MEA had ordered the sacking of the official on the grounds that he was still on probation and could be discharged for misconduct.

However, CAT was not satisfied with the argument. It said as



he had secured 97 per cent marks in the Administrative procedure examination and had completed his training, there was no basis for terminating his service through a discharge. South Block insiders say when the officer was sacked it came as a surprise as the extreme decision was unprecedented in the history of the foreign service and, moreover, the decision was taken without an inquiry.

“Nobody knows the truth, but there was something more to this episode as the decision was taken in a hush-hush manner from the top.” *Remarked an official.*

But a source defends, “He had simply followed the Minister’s orders.”

Armed with the stay order, the officer has reportedly sought Foreign Secretary Kanwal Sibal’s intervention to allot him a space to sit in South Block.”

82. It is evident that consequent to the Order of the Central Administrative Tribunal (CAT) staying the Order of sacking the plaintiff, resulted in blame game in the Foreign Office. It is further reported that the sacking episode has become intriguing with some new facts having come to the light. The MEA Order sacked the official on the ground that he was still on Probation and could be discharged, however, CAT was not satisfied. It also reports about the inputs that the Reporter had from South Block insiders that such an action taken by MEA was unprecedented in the history of Foreign Service, as the decision had been taken without any inquiry. The Insider had even reported that nobody knows the truth as the decision had been taken in a hush hush manner.

83. The tone and tenure of the reporting again reflects a simplicitor statement of fact and certain insertions based on the inside information obtained by the Reporter. It is a known fact that the Reporters collect information from their independent sources which are protected from



disclosure being privileged. None of the statement as reported in this Article can be said to be maligning the image of the plaintiff. Rather, it has the intonations of condemning the act of sacking of the plaintiff without any inquiry.

84. The *third Article* was published in newspaper '*Hindustan*', (*Hindi Edition*) dated 31.07.2002. It was titled as "*Shadi Se Inkaar Karne Par Adhikari Ne Yuvti Ka Jeena Haraam Kiya*". In this news, it is further stated that the sources have revealed that one girl was being quite harassed by the plaintiff for the last three years. Her difficulty commenced when she met the plaintiff in IAS Coaching Academy and they became friends. While the plaintiff qualified UPSC and got selected in IFS, the girl was unable to get any rank and had started her own work. The plaintiff had proposed to marry her, which she had denied. This refusal proved to be very heavy on her as it made her life hell.

85. The first aspect is that this a reporting done on the basis of the privileged sources of the Reporter. Furthermore, in the evidence it has been explained by defendant No.1 that the reports were published after exhaustive verification of the authenticity and credibility of the source. Before an Article is printed or published, highest standards of ethics and morals are adhered to. The Reports are always based on authentic and incredible sources. It has been further explained that the contents of the Article are based on the Counter-Affidavit filed by the Government/UOI in the CAT, Principal Bench, New Delhi.

86. The contention of the plaintiff is that the Newspaper reporting was made in July-August, 2002 which was much prior to the Reply that was filed before the Tribunal on 18.10.2002. The claim of the defendant that the



Reports were based on the reply filed by Union of India, is on the face of it fallacious.

87. It is pertinent to observe that though the Reply may have been filed subsequently, but it only enumerates all the past acts which had transpired in the Ministry and had eventually led to the discharge of the plaintiff. The Reply merely narrated the what had transpired prior in time in the Ministry and explained the circumstances which led to the discharge of the plaintiff. The Reply infact, corroborates and reinforces that what had got reported in the News Articles was the *truthful narration of past events*. It is clearly borne out that some Tapes were received in the Department, on which an inquiry had been initiated by the Additional Secretary, but when the matter was brought to the knowledge of the Foreign Minister, he directed immediate discharge, since the plaintiff was still in probation as it was felt that the message had to be loud and clear that such misconduct which sullies the image of Foreign Ministry, cannot be tolerated. The Newspaper Report reflect that this information which found its reflection in the articles, was based on the verified sources and this is also a fact that all this which had transpired in the Ministry, had ultimately led to the discharge of the plaintiff.

88. It may be thus, concluded that the Newspaper Articles have in the *neutral/truthful manner* have simply reported the news on the basis of the information collected from the verified sources. The Reply that got subsequently filed by Union of India corroborates *the truthfulness of the reported News* and it cannot be said that the reporting was either *malicious* or not made in *good faith*. The defendants have merely discharged their duty of bringing news in public domain of which the public at large, has a right to information.



89. In the end, it may be observed that the plaintiff may have genuine grievance against the woman whose conversations were allegedly contained in the Tapes received in the Ministry, but apparently, the plaintiff is already pursuing his independent remedy against her. If it is any solace, one may observe that reputation is not so fragile that it can be ruined or demolished by some unsavory incident which happened in the beginning of the career of the plaintiff. Reputation is what one builds over a period of time by his conduct and work. The entire incident may have left the plaintiff completely shattered and distraught, but it is his conviction in his truthfulness that gave him the courage to stand for his rights and approach the *Central Administrative Tribunal* to win back his honour by reinstatement in his job.

90. Balancing the right of information of the public with the duty of the Media of truthful reporting and the individual right of protection of his reputation, it is held that the Articles which are the subject matter of the two suits, are not *per se* defamatory.

91. The Issue No.1 is decided against the plaintiff.

Issue No.2: *Whether the plaintiff is entitled for damages, if so, how much? OPP*

Issue No.3: *Whether the plaintiff is entitled for interest, if so, on what amount, for what period and at what rate? OPP*

92. In view of the findings on Issue No.1, Issue No.2 and 3 are decided against the plaintiff.

Issue No.4: *Whether the suit has not been properly valued for the purpose*



of Court fees and jurisdiction and appropriate Court fees has not been paid? OPP

93. The suit had been filed by the plaintiff initially as an indigent petition which was allowed vide Order dated 25.09.2007, wherein it was held that as per the Report of the SDM, CP, the plaintiff had the total assets of Rs.28,740/-. It was concluded that he did not possess sufficient means to pay the Court Fee, which was approximately Rs.4.92 lakhs in both the suits. The application was thus, allowed and the suit was directed to be registered.

94. While the plaintiff had been initially exempted from paying the Court Fee because of his indigency, but no such situation continues to exist. The requisite Court Fee has not been paid on the damages as were claimed by the plaintiff. He is, therefore, directed to make good the deficit Court Fee within six weeks.

95. Issue No.4 is decided accordingly.

Relief

96. In view of the findings on the issues, the suit of the plaintiff is hereby dismissed. He is, however, directed to make good the deficit Court Fee within six weeks. In case he fails to pay the requisite Court Fee, the Registrar General may initiate the proceedings for recovery of the Court Fee as the Land Revenue.

97. Decree Sheet be prepared accordingly. Parties to bear their own costs.

**(NEENA BANSAL KRISHNA)
JUDGE**



MAY 31, 2024
RS/VA