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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010488772024

+ **CS(OS) 632/2024 & I.A. 11712/2025**

SHAZIA ILMU

.....Plaintiff

Through: Ms. Nattasha Garg, Mr. Thakur Ankit
Singh and Ms. Liza Arora, Advocates.

versus

RAJDEEP SARDESAI & ORS.

...Defendants

Through: Mr. Hrishikesh Baruah, Senior
Advocate with Mr. Shahrukh Ejaz, Mr.
Utakarsh Dwivedi, Mr. Ganiul Hakim,
Mr. Abhijeet Yashaswi, Mr. Pratham
Pandey and Ms. Pragya Agarwal,
Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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03.08.2026

I.A. 2430/2026 (Under Order VI Rule 17 r/w Section 151 of the CPC)

1. This is an application filed under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”), filed on behalf of the plaintiff seeking following amendments to the plaint:-

“4. That with the present application, the Plaintiff craves the leave of this Hon'ble Tribunal to add the following paragraphs in the captioned suit:

"Para 3.15: That on 26.07.2024 at approximately 10:21 PM, after having been muted during the live programme and having exited the debate and facing the harassment and humiliation from the Defendants, but still keeping her composure, the Plaintiff posted a tweet on her personal 'X' (Twitter) handle expressing her political disagreement and viewpoint on the subject matter of the debate. The said tweet was purely political in nature, issued in discharge of the Plaintiff's role as a National Spokesperson of a political party, and did not refer to, mention, or allude to any cameraman, recording, alleged altercation, or any private incident at her residence.

Para 3.21: The Plaintiff, upon being informed by friends and family members and upon seeing the impugned post of Defendant No. 1, as well as the extensive public reaction, circulation and traction garnered by the said post



was compelled to post a tweet on 26.07.2024 at 10.27 A.M in order to bring out the true version of the incident and also call out the malicious attack by the Defendants on her reputation by misconstruing the facts and reporting falsities. Despite the same, no action whatsoever was taken by Defendant No.2 against Defendant No. 1 or Defendant No. 12, thereby further demonstrating the mala fide and selective conduct of the Defendants.

Para 3.22: That the acts of Defendant Nos. 1 and 2 are in direct violation of the Norms of Journalistic Conduct issued by the Press Council of India, particularly Clause 42 (Right to Privacy), which mandates that the press shall not intrude into private spaces, especially of women, unless outweighed by genuine public interest, which is conspicuously absent in the present case.

Para 3.23: That the impugned video was never part of the live broadcast, was never telecast, never editorially approved, and was illegally extracted from internal production footage of Defendant No.2, rendering its publication wholly unlawful and de hors any journalistic privilege. That the deliberate editing, suppression of exculpatory portions, and creation of false continuity in the impugned video constitutes the tort of 'false light', whereby the Plaintiff has been knowingly portrayed in a misleading and defamatory manner, calculated to lower her reputation in the eyes of the public. That Defendant No. 1 had no authority, editorial or otherwise, to adjudicate, expose, or 'discipline' any alleged grievance of a cameraman of Defendant No.2, and the act of publication on his personal handle was motivated by personal vendetta and abuse of journalistic platform. "A copy of the plaint after the proposed amendment is filed separately and marked as DOCUMENT-A-1."

2. Ms. Nattasha Garg, learned counsel for the plaintiff submits that following the impugned tweet, two more tweets were posted by the plaintiff, however, not filed alongwith the suit, for the reason that the plaintiff at that time was of the opinion that the tweets would not be relevant to the issue raised in the suit. It is further stated that, however, on account of the fact the defendant in the written statement, not only referred to the said tweets, but also filed the said tweets on record, it is now felt necessary to place the same on record alongwith the necessary averments in support thereof.

3. It is also stated that this Court, while passing the order dated 04.04.2025, did indeed come down heavily on the plaintiff for not having disclosed the said tweets and had also imposed cost of Rs.25,000/-, however, did not bar the plaintiff from filing any amendment application or taking any remedial steps



thereafter.

4. She also states that it is trite that the amendments ought to be ordinarily allowed since the defendant would have ample opportunity to file their objections to the same by filing the amended written statement. She also states that since the issues are yet to be framed and the suit is at a nascent stage, no prejudice would be caused to the defendants in case the amendments are allowed.

5. She also states that the amendments are necessary for determining the real questions in controversy between the parties, for the reason that according to the plaintiff, the behaviour of the defendant is contrary to the journalistic conduct as also attacks the privacy of the plaintiff, which issues were inadvertently not raised in the plaint.

6. She relies upon the judgement of this Court in ***Alberto Culver Company vs. Voi Fashion Stores & Anr: 2005 SCC OnLine Del 74*** and ***M/s Khushi Ram Behari Lal vs. M/s. Whitefields International Pvt. Ltd. & Anr.: 2018 SCC OnLine Del 8638***, as also relied upon the Judgement of the Supreme Court in ***Life Insurance Corporation of India vs. Sanjeev Builders Private Limited and Another: (2022) 16 SCC 1***, particularly para 71.

7. The stand of Ms. Garg, learned counsel for the plaintiff is that even if there is an allegation of suppression of these tweets by the plaintiff, there is no bar in law for the plaintiff to file the amendment application as held in ***Alberto Culver (supra)*** and ***M/s Khushi Ram (supra)***. She states that having regard thereto and taking into consideration the fact that (i) the plaintiff has already paid the cost of Rs.25,000/-; and (ii) the defendants have also filed the same tweets on record, it would cause no prejudice to the defendants in case the amendments are allowed.

8. Mr. Hrishikesh Baruah, learned senior counsel appearing for the defendants vehemently opposes the said amendment application. He invites



attention of this Court to the application seeking amendment particularly to paras 3, 5 and 6 to submit that the version given by the plaintiff in the said application is contrary to the facts on record. According to the learned senior counsel, the application tends to give a picture as if the plaintiff has gained the knowledge of the documents for the first time when the written statement was filed. However, these tweets which are filed by the defendant at the first instance alongwith the written statement are tweets posted by the plaintiff herself. He further states that allowing the present application would definitely cause prejudice to the defendants since the issue of material suppression, which has already been taken up and raised by the defendant in its written statement shall now be set at naught.

9. Learned senior counsel also invites attention of this Court to paras 27 and 28 of the Order dated 04.04.2025 to submit that even this Court, on a previous occasion, has held that the suppression or concealment of these tweets by the plaintiff is material suppression and therefore, cannot be taken on record in this manner. He relies upon the judgement of this Court in ***Aura Synergy India Ltd. and Another vs. M/s. New Age False Ceiling Co. Pvt. Ltd. and Another: 2018 SCC OnLine Del 9911, Huntsman International (India) Private Limited vs. Abiss Textile Solutions Private Limited and Ors.: 2018 SCC OnLine Del 7545*** and ***M/s Surinder Kumar & Ors vs. Swarn Singh: ILR (2009) II Delhi 36*** in support of his contentions.

10. This Court has heard the arguments of the learned counsel for the parties and perused the documents on record as also the order dated 04.04.2025. This Court has also considered the judgements relied upon by the learned counsel for the parties.

11. It is settled law that at the stage of considering an application under Order VI Rule 17 of the CPC, the merits of contentions raised therein are not necessary to be looked, except if they cause any prejudice to the defendant or



change the nature of the suit or conclude in permitting any claim which is barred under limitation etc.

12. The issue is no more respondent *res integra*. The Supreme Court in ***Life Insurance Corporation of India*** (*supra*) has categorically held as under:

“71. Our final conclusions may be summed up thus:

71.1. Order 2 Rule 2CPC operates as a bar against a subsequent suit if the requisite conditions for application thereof are satisfied and the field of amendment of pleadings falls far beyond its purview. The plea of amendment being barred under Order 2 Rule 2CPC is, thus, misconceived and hence negatived.

71.2. All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word “shall”, in the latter part of Order 6 Rule 17CPC.

71.3. The prayer for amendment is to be allowed:

71.3.1. If the amendment is required for effective and proper adjudication of the controversy between the parties.

71.3.2. To avoid multiplicity of proceedings, provided

(a) the amendment does not result in injustice to the other side,

(b) by the amendment, the parties seeking amendment do not seek to withdraw any clear admission made by the party which confers a right on the other side, and

(c) the amendment does not raise a time-barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).

71.4. A prayer for amendment is generally required to be allowed unless:

71.4.1. By the amendment, a time-barred claim is sought to be introduced, in which case the fact that the claim would be time-barred becomes a relevant factor for consideration.

71.4.2. The amendment changes the nature of the suit.

71.4.3. The prayer for amendment is mala fide, or



71.4.4. By the amendment, the other side loses a valid defence.

71.5. In dealing with a prayer for amendment of pleadings, the court should avoid a hypertechnical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs.

71.6. Where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.

71.7. Where the amendment merely sought to introduce an additional or a new approach without introducing a time-barred cause of action, the amendment is liable to be allowed even after expiry of limitation.

71.8. Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.

71.9. Delay in applying for amendment alone is not a ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.

71.10. Where the amendment changes the nature of the suit or the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint, the amendment must be disallowed. Where, however, the amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint, ordinarily the amendment is required to be allowed.

71.11. Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed. (See Vijay Gupta v. Gagninder Kr. Gandhi.)”

13. It is clear from the aforesaid judgement that the amendments which are sought, should ordinarily be allowed unless it causes injustice or prejudice to the other side.



14. In the present case, the defendants do not deny that (i) these tweets have been posted by the plaintiff; and (ii) that they themselves filed these tweets alongwith their written statement. The only objection raised by them in respect of these documents is that these documents have been deliberately concealed and are thus material suppressions, to gain an unfair advantage over the defendant. It would be relevant, though this Court is not required to look into merits of the tweets which are subject matter of the application, however, only for the purposes of ascertaining the requirement as to whether the amendments sought can be allowed. The same are extracted hereunder:-

“First Tweet:

*“@sardesai rajdeep
@IndiaToday
@aajtak*

*Don't you ever bring down my Fader again.
Remember I have been on both the sides and know how to handle bullies like you.
BTW it doesn't behove political propagandists masquerading as journalists to sermonise.
And learn your facts before pitting one Ex Army Chief against all other Defence Chiefs simply to create mischief.
Not a bolt from the blue, Army chief says Agnipath scheme came after 'due consultation' theprint.in/defence/not-a-...*”

“Second Tweet

Thanks for providing me with the EVIDENCE which clearly shows how your camera man behaved after the show

1. Why on earth would I stay on your show when you humiliate me and say CUT SHAZIA'S Mike off? Only because I asked you whether you think all the Defence Chiefs are lying. Don't know about you but I have SELF RESPECT.

2. I have a FOOT FRACTURE.

Your cameraman knew it (we even discussed it as he had coffee and biscuits in my house).

When you decided to cut my audio I saw little point staying on your terribly biased show.

Your cameraman watched me struggle as I got up and continued to film me trying to remove my mike, instead of helping me with the wheelchair.

3. Why was he still continuing to focus on MY UPPER BODY showing it up close. It was so uncomfortable for me and I felt most embarrassed.



*Any lady would tell you that focussing on their chest is a clear No NO.
I could see this live on screen and requested him not to film me any or switch off the camera light.*

4. The pervert cameraman continued to film me despite my obvious physical and emotional discomfort after the show was over. Why?

5. Why would he keep filming him in my home, my SAFE place against my WILL. And that too, AFTER the show?

6. Just because you're a famous anchor (just as much you're a sore loser) doesn't mean you can humiliate people who call you out and force your crews on people, beyond the brief and violate their private space.

7. And I dare @indiatoday to show footage of my upper body and chest again.

8. I will take this matter up seriously as I was deeply hurt and humiliated by this behaviour.

I have a right to choose what I want up show on air and I object to the lens focusing on my body and not my face AFTER the show.

9. It's my house @sardesairajdeep and I'm curious whether your wife would entertain a crew shooting her remove her mike from up close and then follow her around after show.

*Thanks for providing this VIDEO EVIDENCE, which clearly shows how the lecherous camera man is continuing to film me despite me not wanting to be ON air.
”*

15. It is these tweets which are already on record as filed by the defendant alongwith its written statement. It is in respect of these tweets that certain amendments, are now being sought to be included in paras 3.15 and 3.21 of the plaint.

16. In the opinion of this Court, the amendments sought in para 3.15 coupled with para 3.21 and paras 3.22 and 3.23 would, at this stage, having regard to the fact that the suit is at nascent stage, not cause any prejudice to the defendant. The fact still remains that the defendant will have all the rights to file its objections to the said proposed amendments in the amended written statement to be filed once the said application is allowed.

17. Having regard to the fact that the Supreme Court in ***Life Insurance***



Corporation of India (*supra*) categorically held that at the stage of considering application under Order VI Rule 17 of the CPC, the only question needs to be determined is whether the amendments are necessary to be allowed for the purpose determining the core controversy in issue. Therefore, whether the concealment of these posts pertaining to the plaintiff would amount to concealment and material suppression of facts, is an issue which can always be taken and raised by the defendant in its amended written statement. Moreover, the defendant has not argued that by way of the amendment the nature of suit will change or that it would cause any grave prejudice to the defendants. It must be recalled that the defendant himself placed the same tweets on record.

18. Having regard to the above analysis, the ratio laid down by the judgements relied upon by both parties need not be referred to for the reason that the defendant can be granted liberty to raise all objections including that of material suppression, to the amended paragraphs of the amended plaint in its amended written statement.

19. The present application thus stands allowed and disposed of.

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20. The amended plaint be taken on record.

21. The amended written statement shall be filed within four weeks. Needless to state that the defendant shall have all rights reserved to file any objections to the particular issues raised in the amended paragraphs, including the issue of material suppression.

22. Replication thereto, be filed within four weeks thereafter.

23. List before the Joint Registrar (Judicial) on 12.10.2026 for completion of pleadings.

24. List before the Court on 02.12.2026.

TUSHAR RAO GEDELA, J

AUGUST 3, 2026/Sumit