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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 482/2025, I.A. 17759/2025, I.A. 17760/2025 & I.A.
20136/2025

RAJESH KRISHNAPlaintiff

Through: Mr. Jojo Jose, Mr. Radhakrishnan,
Mr. Nambi Rajan L., Mr. Navaneeth
K. K. and Ms. Sunitha John,
Advocates.

versus

MR. B. MUHAMMAD SHARSHAD & ORS.Defendants

Through: Mr. Will Mathews and Mr.
Shubhanshu Mishra, Advocates for
D-1
Mr. Aljo K. Joseph, Advocate for D-3
Mr. Aditya Mathur, Advocate for D-5
Ms. Ameer Rana, Mr. Akhil
Shandilya, and Mr. Debditya Saha,
Advocates for D-6
Mr. Geo Joseph, Ms. Vishnu Priya
and Mr. Risvi Muhammad, Advocates
for D-7

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
03.12.2025

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CS(OS) 482/2025 & I.A. 17759/2025, I.A. 20136/2025

1. The present Suit has been filed by the Plaintiff with the following
reliefs:

*“a) Pass a judgment and decree in favour of the
Plaintiff and against the Defendant No.1, directing the*



Defendant to pay a sum of Rs.10,00,00,000/- (Rupees Ten Crore Only) as damages, along with interest at the rate of 18% per annum from the date of institution of the suit till realization;

b) Pass a decree of permanent Prohibitory injunction restraining the Defendant No.1 from publishing, circulating, uploading, or disseminating any defamatory content against the Plaintiff or any person associated with the Plaintiff, through his social media accounts or through any intermediaries/platforms;

c) Pass a mandatory injunction directing the Defendants to forthwith remove and withdraw all defamatory articles, posts, and publications concerning the Plaintiff and/or any person associated with the Plaintiff from all social media platforms, intermediaries, and public domains as shown and detailed in paragraph No.21 of this plaint;

d) Pass such other and further order(s) or direction(s) as this Hon 'ble Court may deem fit.

e) Cost of the suit.”

2. Let the plaint be registered as a Suit.
3. Learned Counsels appearing for Defendant Nos.1, 3, 5, 6 & 7 accept summons.
4. Issue summons to the Defendant Nos.2 & 8, to be served through all permissible modes, including *Dasti*.
5. Let the Written Statement(s) be positively filed within the time prescribed under the Delhi High Court (Original Side) Rules, 2018 along with the affidavit(s) of admission/denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.



6. Liberty is given to the Plaintiff to file the Replication(s) within the time prescribed under the Delhi High Court (Original Side) Rules, 2018 along with the affidavit(s) of admission/denial of documents of the Defendants, without which the Replication(s) shall not be taken on record.

7. List before the learned Joint Registrar (Judicial) for further proceedings on 15.01.2026.

I.A. 17760/2025

1. This application under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC has been filed on behalf of the Plaintiff for restraining the Defendants from further dissemination of the contents of Documents No. A, B and C annexed to the Suit.

2. It is the case of the Plaintiff that by way of Document No. A, which is a letter sent by Defendant No.1 to the Politburo, CPI(M), the Defendant No. 1 has made imputations of personal nature against the Plaintiff. It is further stated that apart from sending this letter, the same has been published by the Defendant No. 1 on various social media platforms.

3. It is further averred that Document No. B contains messages published on the social media which has the effect of tarnishing the reputation of the Plaintiff, and Document No. C is a screenshot of a Facebook post published by Defendant No.1. By and large, the Plaintiff's case is that content in these documents are per se defamatory and wholly devoid of truth or verification.

4. This Court has heard the learned Counsel for the Plaintiff and perused the contents of Documents No. A, B and C.

5. In the above background, this Court deems it appropriate to refer to the judgment of the Apex Court in Morgan Stanley Mutual Fund v. Kartick



Das, (1994) 4 SCC 225, has laid down the parameters of granting ex-parte injunction which reads as under:

“36. As a principle, ex parte injunction could be granted only under exceptional circumstances. The factors which should weigh with the court in the grant of ex parte injunction are—

(a) whether irreparable or serious mischief will ensue to the plaintiff;

(b) whether the refusal of ex parte injunction would involve greater injustice than the grant of it would involve;

(c) the court will also consider the time at which the plaintiff first had notice of the act complained so that the making of improper order against a party in his absence is prevented;

(d) the court will consider whether the plaintiff had acquiesced for sometime and in such circumstances it will not grant ex parte injunction;

(e) the court would expect a party applying for ex-parte injunction to show utmost good faith in making the application.

(f) even if granted, the ex parte injunction would be for a limited period of time.

(g) General principles like prima facie case, balance of convenience and irreparable loss would also be considered by the court.”

6. The above judgment was followed by the Apex Court in Bloomberg Television Production Services India (P) Ltd. v. Zee Entertainment Enterprises Ltd., (2025) 1 SCC 741.



7. Law is also settled to the effect that in cases of libel and slander, interim injunction may be granted in case, (i) the statement is unarguably defamatory; (ii) there are no grounds for concluding that the statement may be true; (iii) there is no other defence which might succeed; and (iv) there is evidence of an intention to repeat or publish the defamatory statement.

8. Applying the above position of law to the facts of the present case, it can be seen that if the above-noted documents, which have been circulated on various social media platforms and as such are being viewed by the public at large, the Plaintiff will suffer loss of reputation which cannot be compensated monetarily. Balance of convenience also lies in restraining the Defendant No. 1 from making public these documents and from circulating more of such documents, which is likely to cause irreparable harm to the reputation of the Plaintiff, at least till the next date of hearing.

9. This Court is of the *prima facie* opinion that the content in the three documents in question are *per se* defamatory as they directly impinge upon the reputation of the Plaintiff in the eyes of the general public. In this light, Defendant No.1 has to be restrained from making public these documents and from circulating more of such documents, which is likely to cause irreparable harm to the reputation of the Plaintiff.

10. Accordingly, till the next date of hearing, Defendant No.1, his agents, employees, associates, and any persons acting of its behalf, from publishing, republishing, sharing or circulating any further defamatory material or documents against the Plaintiff.

11. Issue notice on the application.

12. Learned Counsels appearing for Defendant Nos.1, 3, 5, 6 & 7 accept notice.



13. On taking steps, let notice be issued to Defendant Nos.2 & 8 through all permissible modes, including *Dasti*.
14. Reply be filed within three weeks from today. Response thereto, if any, be filed within two weeks thereafter.
15. Compliance of Order XXXIX Rule 3 of CPC be done within 10 days from today.
16. List before Court on 24.02.2026.

SUBRAMONIUM PRASAD, J

DECEMBER 3, 2025

S. Zakir