

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION

IA NO. GA/3/2025  
IN  
CS/169/2024

MEDHAVI SKILLS UNIVERSITY, SIKKIM  
VS  
NIKITA THAKURIA

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 1<sup>st</sup> July, 2025

Appearance:  
Ms. Sangeeta Roy, Adv.  
Mr. Sandeep Prasad Shaw, Adv.  
Mr. Chandra Prakash, Adv.  
Ms. Monalisa Maity, Adv.  
For plaintiff  
Ms. Monika Kalra, Adv.  
Mr. Debarshi Das, Adv.  
Ms. Prerana Vishwas, Adv.  
Mr. Shantam Gulati, Adv.  
Mr. Saswata Tripathi, Adv.  
For defendant/applicant

The Court :- Affidavit-in-reply filed in Court today is taken on record.

This is an application for return of the plaint by the defendant on the ground that no part of the cause of action has accrued within the territorial jurisdiction of this Court. The principal argument is that the defendant ordinarily resides at Gauhati, Assam. The defendant on being selected went to Sikkim to perform the job of a management trainee. The defendant, while working at Sikkim, allegedly faced certain unpleasant situation in connection whereof the defendant had published and/or posted certain

material in the social media through internet. This, according to the plaintiff, has tarnished its image thereby defaming the plaintiff leading to the institution of the suit for defendants. Admittedly the plaintiff has its registered office at Delhi and its head office at Bidhannagar, Kolkata. The plaintiff says that since it has its headquarter at Kolkata, the plaintiff is entitled to file and maintain the suit before this Court and that this Court has the jurisdiction to receive, try and determine the suit.

The plaintiff has relied upon Section 19 of the Code of Civil Procedure, 1908 (in short CPC) and the judgment of the Hon'ble Supreme Court reported in (2007) 15 SCC 52 (Jageshwari Devi and Others Vs. Shatrughan Ram) . Relying upon the provisions of Section 19 and the ratio laid down in Jageshwari(supra), it is submitted by the plaintiff that the issue raised by the defendant can at the highest be an preliminary issue to be decided at the trial and cannot be a ground for return of the plaint.

The plaintiff has also relied upon a judgment of the Delhi High Court delivered on 16<sup>th</sup> August, 2026 in Frankfinn Aviation Services Pvt. Ltd. Vs. Tara Kerkar & Ors.. Relying upon the said judgment, it is submitted by the plaintiff that by putting defamatory material on internet, territorial jurisdiction does not remain confined to the place of actual defamation and in a case of defamation being telecasted, Section 20 of CPC will have no application. The places where the actual defamation takes place and the place where such defamatory material is transmitted through website, telecast, etc, the Courts in both the places have the territorial jurisdiction to

receive, try and determine the suit in ordinary course according to the plaintiff.

Responding to this contention of the plaintiff, it is submitted by the defendant that the defendant is an ordinary resident of Gauhati and she was working at Sikkim so the place wherefrom the alleged defamatory materials can or could have been posted is either at Gauhati or at Sikkim but not at Kolkata.

Assuming without admitting that such defamatory materials have been read at Kolkata then also the damages, if any, due to such alleged defamatory statements have taken place at Bidhannagar outside the jurisdiction of this Court and, as such, this Court in any event does not have the jurisdiction to receive, try and determine the suit.

The arguments could not be concluded.

Let this matter appear on 3<sup>rd</sup> July, 2025.

(ARINDAM MUKHERJEE, J.)