

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. \_\_\_\_\_ OF 2024  
(@ SLP (C) Nos. 2336-2337 of 2024)

TARH TUGUNG @ KOYU

...Appellant(s)

Vs.

NGURANG TAKA

...Respondent(s)

O R D E R

1. Leave granted.
2. These appeals by way of special leave arise out of the judgment and order of the High Court of Gauhati (Itanagar Bench) in IA (C) No. 205 of 2022 connected in FA0/6/2022 dated 19.09.2023.
3. The proceeding arose with the institution of a suit for defamation being Money Suit No. 96 of 2019 by the respondent herein before the Court of Civil Judge Senior Division Yupia, District Papum Pare, Arunachal Pradesh which came to be decreed ex-parte by the order of the Trial Court on 20.04.2022.
4. Challenging the decision of the Trial Court, the appellant herein filed an appeal which was unfortunately delayed by sixty-eight days. By the order impugned before us, the High Court dismissed the appeal on the ground of delay.

5. It is apparent from the judgment of the Trial Court that the suit itself is decided ex-parte and the appellant did not have the opportunity to defend himself. We also take notice of the fact that this is a suit for defamation, consequently involving a right to speech and expression with its constitutional entitlements.

6. Having considered the facts and circumstances of the case, we are of the opinion that the appellant must get an opportunity to defend himself at least before the First Appellate Court. We, therefore, set aside the judgment and order passed by the High court in IA (C) No. 205 of 2022 connected in FA0/6/2022 dated 19.09.2023 and restore the First Appeal to its original number. We further direct that the appellant shall pay costs quantified at ₹ 50,000/- within a period of four weeks from today.

7. The appeals are accordingly allowed.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[PANKAJ MITHAL]

NEW DELHI;  
JULY 23, 2024

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 2336-2337/2024

(Arising out of impugned final judgment and order dated 19-09-2023 in IA(C) No. 205/2022 19-09-2023 in FAO No. 6/2022 passed by the Gauhati High Court At Itanagar)

TARH TUGUNG @ KOYU

Petitioner(s)

VERSUS

NGURANG TAKA

Respondent(s)

(IA No. 21534/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 23-07-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Sudhanshu Choudhary, Sr. Adv.  
Mr. Akhilesh Yadav, Adv.  
Mr. Mayank Kshirsagar, AOR  
Mr. Parth Sarathi, Adv.

For Respondent(s) Mr. Aniruddh Joshi, Adv.  
Mr. Ramesh Kumar, Adv.  
Mr. Umang Shankar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The Civil Appeals are allowed in terms of the Signed Order.
3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)  
COURT MASTER (SH)

(NIDHI WASON)  
COURT MASTER (NSH)

(Signed Order is placed on the file)