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

+ RFA 724/2025, CM APPL. 48873/2025, CM APPL. 48874/2025, CM APPL. 48875/2025, CM APPL. 48876/2025 & CM APPL. 50035/2025

HT MEDIA LIMITED & ANR.

.....Appellants

Through: Ms. Vanita Bhargava, Mr. Ajay Bhargava, Mr. Madhur Dhingra, Ms. Dhalguni Nigam and Mr. Aman Khemka, Advs.
M: 9873122789
Email:
phalguni.nigam@khaitanco.com

versus

ARUN KUMAR GUPTA & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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14.08.2025

CM APPL. 48874/2025 & CM APPL. 48875/2025 (For Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

CM APPL. 48876/2025 (For Enlargement of Time for Filing Court Fees)

3. The present is an application filed by the appellants seeking enlargement of time for filing Court Fees.
4. Learned counsel appearing for the appellants submits that requisite

Court Fees, already stands paid.

5. Noting the aforesaid, the present application is disposed of.

CM APPL. 50035/2025 (For Placing on Record Additional Documents)

6. The present is an application on behalf of the appellants to place on record additional documents.

7. Issue notice to the respondents by all modes, returnable on the next date.

RFA 724/2025 & CM APPL. 48873/2025

8. The present matter has been received on transfer/marking.

9. The present appeal has been filed challenging the judgment and decree dated 06th June, 2025, passed by the District Judge, South East District, Saket Courts, Delhi in *C.S. DJ No. 6574/2016*.

10. Learned counsel appearing for the appellants submits that the aforesaid suit had been filed by respondent no. 1, *inter alia*, seeking permanent injunction and damages of Rs. 1 Crore for defamation of respondent no. 1.

11. By way of the impugned judgment, the Trial Court has decreed the suit in favour of respondent no. 1 and against the appellants, thereby, awarding a sum of Rs. 40 Lakhs in favour of respondent no. 1, which sum is to be recovered from the appellants herein, who were defendant nos. 1 and 7 in the suit.

12. Learned counsel appearing for the appellants has drawn the attention of this Court to the article, which became the basis for filing the suit for defamation. The said article titled as “*Get Smart, Email with Care*” was authored by appellant no.2 and published by appellant no.1 on 28th January, 2007, in the publication of the appellant no.1.

13. Learned counsel appearing for the appellants has drawn the attention of this Court to paragraphs 19, 21, 22.1, 22.4, 23.1 and 23.3 of the impugned judgment, which read as under:

“xxx xxx xxx

19. In a suit for damages on the averments of defamation, plaintiff is required to prove following things: (i) Defamatory statement - The statement must be the one that would harm, the reputation of the plaintiff in the eyes of right thinking members of the society, leading them to shun or avoid the individual; (ii) Publication - The defamatory statement must be communicated to a third party, not just the plaintiff themselves; (iii) Reference to the plaintiff - The statement must be understood by a reasonable person as referring to the plaintiff, even if not explicitly named.

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21. From the perusal of admitted facts and the impugned article, it is clear that defendant no. 1 and 7 have reported the news article that the article was published about the issue of misuse of email and lack of awareness regarding prevalent law. The purpose of news article has been duly explained by defendant no. 7, who entered into witness box as DW-2, during his cross examination. The relevant portion of his cross examination is as follows:

"Q-15: The court case papers remain in the custody of Court and do not come in public domain except some orders. Can you specify which papers of which Court case were seen by you?

A: As far as I can remember, I was working on a story to raise awareness among the general public regarding the responsible use of emails. Although, the Indian IT Act had been passed several years ago I felt that it was not adequately known among the general public that an email was now being recognized by law as a legal document. When I started doing my research my attention was drawn to several public sections at technology conferences and industry conclaves where experts were now beginning to discuss the digital field that India swiftly entering into just like the perils of irresponsible use of artificial intelligence are not adequately known today and the perils of the irresponsible manners of commenting on social media were not known until a few years ago, India was then in an era where emails were often not being responsibly used although they were legal tender. As part of my research I consulted an expert who was then seen as a leading and knowledgeable expert in the field of Cyber matters and information technology. His name was Mr. Pawan Duggal. When I raised the question as to whether any such transgressions had been brought to India's Courts that were related to

emails he told me that the Hon'ble High Court of Delhi had been extremely progressive on matters related to digital affairs and technology and pointed me to a case related to a company called Integrix. For the first time, he then told me, any Court in India had issued notices to an email id as against a person and the court had asked the service provider Bharti Telecom to reveal the name of the person who had purportedly sent the said email. This was part of another case but many months before I wrote the story it had been informed to the Court that the said email had been received from a user identified as the plaintiff. Both, printed copy of the said email and the information that it purportedly came from the plaintiff as well as other records including balance sheets allegedly signed by the plaintiff and other court papers that I do not fully recollect, were shown to me by Sh. Pawan Duggal. As part of additional research I spoke to other employees of Integrix and made that a part of my process of writing the report. While the said email and the name of the plaintiff were already part of Court documents and in the public domain for a long time, I did my best as a responsible journalist by not mentioning the name of the plaintiff as the alleged sender of the email, and very carefully using the words "purportedly" and "alleged" in the two relevant lines. This is part of global journalistic practice and the use of the two words very clearly crisply and explicitly informed the reader that these are allegations, claims, and hence not proved in any Court of law."

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22.1 It has been argued on behalf of defendant no. 1 and 7, they are not supposed to verify the truth of allegations made in suit no. I and II. The Court is in agreement with respect to the same and the existence of allegations, verified through the orders of the Court, are sufficient to report the matter. Therefore, the arguments of the plaintiff to prove or show that even the allegations in suit no. I and II were false, are immaterial to decide the controversy in hands because in the present suit issue before the Court is whether defendant no. 1 and 7 caused the defamation to the plaintiff by publication of the impugned article and it contained false assertions. Therefore, the arguments addressed by the plaintiff to prove that the allegations in suit no. I and II were baseless and were part of larger conspiracy against the plaintiff, are liable to be discarded being irrelevant to decide the suit in hand.

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22.4 Similarly, the objection of the plaintiff with respect to reporting of the pending suit is not maintainable because defendant no. 1 and 7 being persons from press/media, have constitutional rights to report even the pending matter and therefore, there is no denial of the arguments addressed by defendants with respect to constitutional rights

of the press and duties. From the tone and tenor of the impugned article, it is clear that nowhere defendant no 1 and defendant no. 7 had given their verdict nor they had declared plaintiff as guilty, rather they had informed the public at large that information given by Bharti Infotel had been believed by the Court.

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23.1 The plaintiff has stressed upon the fact that he has resigned from defendant no. 2 company and he was never sacked nor there were allegations of financial irregularities against the plaintiff as reported in the impugned article.

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23.3 I have perused pleadings as well as ordersheet of both suit no. I and II. Surprisingly, in both the complaints, defendant no. 2 company had categorically stated that "plaintiff herein had resigned from the company and there were no allegations of financial irregularities against the plaintiff herein nor it was mentioned that plaintiff was sacked /removed as stated in the impugned article. Further, from the perusal of record of suit no. I and II it is clear that till the publication of impugned article on 29.01.2007, there was nothing on record in the judicial record of both suits alleging any financial irregularities committed by the plaintiff herein while he was a director in the defendant no. 2 company.

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(Emphasis Supplied)

14. By referring to the aforesaid paragraphs, it is the contention on behalf of the appellants that the only purpose of publishing the article in question, was to make the public aware about misuse of the electronic communications, such as Email and that there was no intention to harm the reputation or defame the respondent no.1, in any manner whatsoever.

15. It is submitted that the Trial Court itself recognized the aforesaid fact, and it was only on the basis of the finding that the respondent no.1 herein, was not guilty of any financial irregularities, though he was removed from the company where he was working, the Trial Court has held that defamation was made out.

16. Learned counsel appearing for the appellants submits that the Trial

Court came to the aforesaid finding wrongly, despite the fact that the article was cautiously worded using the terms like “*alleged*” and “*purportedly*”, ensuring balanced reporting, while reflecting the non-conclusive nature of the allegations.

17. Learned counsel appearing for the appellants further submits that the respondent no.1 herein, who was the plaintiff in the suit, had settled the matter with respondent nos. 2 to 6, who are only the *pro forma* respondents in the present appeal.

18. She, thus, submits that the only contesting respondent in the present appeal is respondent no.1.

19. Issue notice to respondent no. 1, by all modes, upon filing of Process Fee.

20. Let reply be filed, within a period of four weeks.

21. Rejoinder thereto, if any, be filed within two week, thereafter.

22. Considering the submissions made before this Court, it is directed that the operation of the judgment and decree dated 06th June, 2025, passed by the District Judge, South East District, Saket Courts, Delhi in *C.S. DJ No. 6574/2016*, shall remain stayed, till the next date of hearing.

23. Let electronic and bookmarked copy of the Trial Court Record be requisitioned and attached with the present file.

24. Re-notify on 19th December, 2025.

MINI PUSHKARNA, J

AUGUST 14, 2025/KR