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

+ **CS(COMM) 26/2024**

RUPA GUJRAL & ORS.

..... Plaintiffs

Through: Ms. Shreya Sethi and Mr. Anirudh Bhatia, Advocates.

versus

DARYAGANJ HOSPITALITY PRIVATE LIMITED & ORS.

..... Defendants

Through: Mr. Amit Sibal, Senior Advocate with Mr. Pravin Anand, Mr. Dhruv Anand, Ms. Udit Patro, Ms. Sampurnaa Samyal, Ms. Nimrat Singh and Mr. Dhananjay Khanna, Advocates for D-1 to 4.

Mr. Shwetank Tripathi, Mr. Kunal Gupta and Mr. Mohit, Advocates for D-5/ Sony.

Ms. Abhilasha Nautiyal, Mr. M. P. Bhargava and Mr. Shuvam Bhattacharya, Advocates for Applicant seeking impleadment.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.03.2024

I.A. 6628/2024 (under Section 151 of CPC on behalf of Defendants No. 1 to 4)

1. Through this application, Defendants No. 1 to 4 raise a grievance regarding the publication of articles as provided in Documents 2, 3 and 4.

2. Mr. Pravin Anand, counsel for Defendants No. 1 to 4, has raised



concerns regarding the statements contained within the articles, which he categorizes as defamatory. He emphasizes the substantial negative impact these statements have on the Defendants' reputation. The reach and influence of these articles are significant, given their presence in leading newspapers with global circulation and extensive readership. Mr. Anand underscores the standing of Defendants No. 1 to 4 as reputable and respectable members of the society who are operating their restaurants under the "Daryaganj" brand. He argues that the Plaintiffs' remarks, "*They are piggybacking off my legacy. What big cheats they are*", labels them as "cheats" and constitutes libel. Such statements, particularly in the context of present suit, not only disparage the Defendants' business but also prejudice fair adjudication. Hence, Mr. Anand asserts that the Plaintiffs should take immediate corrective action to retract the defamatory statements and remove them from the respective websites.

3. Ms. Shreya Sethi, counsel for Plaintiffs, takes an objection to the provision under which the application is filed. She states that an application, for the relief sought, should have been filed under Order XI of the Code of Civil Procedure, 1908 [*"CPC"*] and not under Section 151 of CPC. Further, considering the publication dates of the articles in question, she argues that Defendants No. 1 to 4 had an obligation to submit these documents as part of their written statement.

4. On the merits of the case, Ms. Sethi draws the attention of this Court to an e-mail communication sent by the PR agent of Plaintiffs to the editor who interviewed Mr. Monish Gujral (Plaintiff No. 2), which forms the basis of the articles. The said communication reads as follows:

"Dear Tripti,



This is with regard to the recent story done by Wall Street Journal on Moti Mahal

Link: https://www.wsj.com/business/battle-over-origins-of-butter-chicken-court-f078103b?st=r967k1qj13tfj2v&reflink=desktopwebshare_permalink

In this story communication, it is evident that the term cheat was utilised which was never stated by Mr. Monish Gujral

Although reference was made to leveraging Moti Mahal's legacy in our dialogue, there was no mention of the defendants being a cheat.

Requesting you to retrieve the statement as this is miss quoting the brand and replace the same with the below

Our entire case is based on the defendants misrepresenting to the consuming public that Mr. Kundan Lal Jaggi was the inventor of the dishes butter chicken and dal makhani and Mr. Kundan Lal Gujral was simple the face of the restaurant, responsible for front end management. And further misrepresenting that their DARYAGANJ chain of restaurants is in some manner associated with the MOTI MAHAL brand or Mr. Kundan Lal Gujral, when infact no such connection/association exists whatsoever. We have no intention of shutting down their restaurants.

Attached is the screenshot of the statement we request to retrieve

Hoping for a speedy assistance on the same.

*Regards,
Sukanya Roy”*

5. Ms. Sethi details the Plaintiffs’ efforts to address the disputed statements. She explains that in a subsequent action, the Plaintiffs reached out to another co-editor of the article, requesting access to recordings from the original interaction to verify the context and accuracy of the quotes attributed to them. Despite the editor’s acknowledgment of the Plaintiffs’ concerns, their response was to uphold the integrity of the published story. She argues that the disputed comment, deemed offensive by the Defendants, should be interpreted within the journalistic framework of the article, reflecting the editorial perspective rather than attributing it to the Plaintiffs as a definitive stance.



6. At the same time, Mr. Anand has pointed out that the article published in Wall Street Journal has been further circulated and replicated by other websites which are provided as Documents 3 and 4. Ms. Sethi affirms that in light of what she has stated today, she will issue an appropriate communication to the editors to ensure that information disclosed in the said articles are appropriately dealt with.

7. Ms. Sethi's submission aims to clarify the source and nature of the statement in question. She seeks to differentiate the Plaintiffs' position from the editorial choices made in the course of reporting. By doing so, the Plaintiffs are effectively seeking to dissociate themselves from the remarks attributed to them, suggesting that the expressions found in the article—and identified as defamatory by the Defendants—were not reflective of their direct communications or intentions. Therefore, Plaintiffs are directed to submit an affidavit, elaborating on the assertions made by Ms. Sethi and affirming their effort to distance themselves from the disputed statement in the published articles. Let the same be filed within two weeks from today.

8. Mr. Anand states that he will take appropriate instructions from his client in light of the aforementioned stand.

9. List on the date already fixed for hearing, i.e., 29th May, 2024.

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10. Ms. Sethi states that the directions contained in paragraph No. 19 of order dated 16th January, 2024 have not been complied with. Mr. Anand assures that he will promptly look into the matter and take appropriate steps address the issue without further delay, if not already done.

11. List on the date already fixed for hearing, i.e., 29th May, 2024.



MARCH 20, 2024
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SANJEEV NARULA, J