



2025:DHC:7534



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

% ***Date of Decision: 16.07.2025***

+ **C.R.P. 198/2025 & CM Appl.41614/2025**

M/S BENETT COLEMAN AND COMPANY LIMITED.....Petitioner

Through: Mr. Himanshu Sethi and Ms.
Aishwarya Chhabra, Advs.

versus

SACHIN KUMAR & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM Appl.41620/2025/Seeking condonation of delay]

1. This is an Application filed on behalf of the Petitioner seeking condonation of delay of 10 days in filing the present Petition.
2. For the reasons as stated in the Application, the delay is condoned.
3. The Application stands disposed of.

C.R.P. 198/2025 & CM Appl.41614/2025/Stay]

4. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] impugning the order dated 11.03.2025 passed by the learned District Judge-01, Patiala House Courts, New Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application under Order VII Rule 11 of the CPC filed by the Petitioner [Defendant No. 3 before the learned Trial Court] has been



dismissed and a finding has been given by the learned Trial Court that for the purposes of computing limitation, the suit would be covered under Article 75 or under Article 101 or under Article 113 of the Schedule appended with the Limitation Act, 1963 [hereinafter referred to as “Limitation Act”] holding that since this is a mixed question of fact and law and can only be decided at an appropriate stage after evidence is led by both the parties.

5. Learned Counsel for the Petitioner submits that Respondent No.1/Plaintiff had filed a suit for damages and compensation on account of defamation, mental agony and harassment and for mandatory injunction against the Petitioner as well as Respondent Nos. 2 to 6. He submits that an Application under Order VII Rule 11 of the CPC [hereinafter referred to as “the Application”] has been filed by the Petitioner specifically setting out that the suit as filed is barred by Article 75 of the Limitation Act which provides for a period of one year from the date of publication for a suit of defamation/liable. The other defense taken in the Application was that the Court had no territorial jurisdiction to examine the plaint.

5.1 Learned Counsel for the Petitioner further submits that even though there is a finding in one part of the Impugned Order that the suit is barred by Article 75 of the Limitation Act, in another part of the order, the learned Trial Court has held that the Plaintiff has a right to publish the news articles but the question that needs to be probed as to whether his right is violated by the media by conducting media trial in the name of fair reporting, such right cannot be ignored.

6. Learned Counsel for the Petitioner further submits that the finding of



the learned Trial Court suffers from an infirmity, specifically in view of the judgment passed by the Coordinate Bench of this Court in the ***Khawar Butt v. Asif Nazir Mir & Ors.***¹ wherein it has been held that legislative policy would stand defeated if on a reading defamatory material or article on the website were to give a continuous cause of action to the plaintiff to sue for defamation.

7. None appears for the Respondent No.1/Plaintiff despite advance service by email, on 15.07.2025. The record reflects that the notice of motion, dated 08.07.2025, as filed by the Petitioner also sets out that the Petition is likely to be listed on 16.07.2025. Thus, the advance service is in accordance with the Rules and Practice Directions of the High Court in Civil Revision Petitions issued by this Court *vide* Notification No. 69/Rules/DHC/2019 dated 05.12.2019. The relevant extract of the 'Practice Directions' are as follows: -

"1. Advance Service of Petition:-

*(a) In a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or **Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 arising from an order in a pending proceeding before a Court subordinate to the High Court, an advance copy of the paper book shall be served upon each opposite party or their counsel (if any) who appeared last for such opposite party in the Trial Court.***

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*(c) The petitioner shall intimate all opposite parties in the matter about the filing and likely date of listing of the said petition. The petition shall be accompanied by written proof of such intimation and their respective service, besides indicating name (s) of all opposite parties in the matter. **Once the petition has been cleared for listing by the Registry, the date of listing of the petition shall be intimated by the counsel for the petitioner to each opposite party or their counsel (if any) by phone / SMS/ email.** The counsel for the petitioner shall give an undertaking to*

¹ 2013 (139) DRJ 157



this effect in his application for urgent listing of the petition.

[Emphasis Supplied]

8. At the outset, it is apposite to set out Article 75 to Schedule I of the Limitation Act below:

<i>Description of suit</i>	<i>Period of limitation</i>	<i>Time from which period begins to run</i>
<i>75. For compensation for libel.</i>	<i>One year</i>	<i>When the libel is published.</i>

9. The learned Trial Court has held that the suit maybe barred by the provisions of the Limitation Act. However, the learned Trial Court has continued with the examination of the suit “*in view of the important component of the claim which needs to be inquired by the Court*” as can be seen form the following extract of the Impugned Order:

*“In my considered opinion, the right of reputation is a sacrosanct right. The right of reputation includes the right to protect one’s dignity, a preambular guarantee ensured by the Constitution of the country to all an sundry. **The plaintiff herein has specifically claimed that the impugned article is still reflected upon the online portal and he definitely has a right to seek removal of the same, post his acquittal in the criminal case. Even though, his relief for claim of defamation may be hit by Article 75 of the Limitation Act, yet his right to seek the removal of defamatory contents continues and the suit, in my considered opinion, is well within limitation. Furthermore, even though the suit for defamation maybe time barred but there is another important component of the claim which needs to be inquired by the Court.** The news agencies may have a right to publish the news articles regarding the involvement of the litigants in any criminal case but his right to live with dignity still remains intact and the deeper question needs to be probed as to whether his right is violated by the media by conducting **media trial in the name of fair reporting.** Ubi jus ibi remedium i.e. where there is a right there is a remedy. The right to seek damages for violating the rights of fair trial, although in a nascent evolutionary stage, cannot be called together ignored or rejected on technical grounds of limitation. **The issue whether the suit of the plaintiff, for the purpose of computing limitation, would be covered under Article 75 or under Article 101 or under Article 113 of the Schedule***



appended with the Limitation Act is a mixed question of fact and law and can only be decided at an appropriate stage after evidence is being led by both the parties.

[Emphasis supplied]

10. Once the learned Trial Court had reached a conclusion that a suit is likely to be/maybe barred by limitation, an appropriate finding on this issue should have been given. In addition, the learned Trial Court has given a finding that the plaint reflects multiple causes of action and either Article 75 or Article 101 or Article 103 of the Limitation Act would be applicable, without giving any reasons for such a finding.

11. In view of the foregoing discussions, the Impugned Order is set aside with the direction to the learned Trial Court to examine the issues as raised by the Petitioner/Defendant No. 3 in its Application afresh.

12. The Petition is disposed of in the foregoing terms. The pending Application also stands closed.

13. This order has been passed without prejudice to the rights and contentions of the parties, which are left open to be agitated before the learned Trial Court.

14. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 16, 2025/r/pa