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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: June 02, 2010

+ CM(M) 590/2008

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P.K. Jain through Attorney Rajesh Jain
Through: Ms. Francesca Kapur, Advocate

02.06.2010
...Petitioner

Versus

Jyoti Jain
Through: Mr. Rajeev Duggal and Mr. Rakesh Malhotra, Advocates

...Respondent

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORAL

CM 10365 and 10366 of 2010 (exemption)

1. Allowed subject to all just exceptions.

CM 10364/2010

1. This application under Section 151 CPC has been made by the applicant/respondent with a prayer that the Court should delete from its order dated 19th September 2008 paragraph 39 to 42 of an affidavit reproduced by the Court in paragraph 3 of the order. This prayer is made on the ground that the paragraphs reproduced from affidavit of Mr. Rajender Sirkae contained defamatory averments vis-à-vis the applicant and since they have been reproduced in the judgment of this Court, the judgment was being used by the non applicant/petitioner to defame the applicant.

2. I find no reason to entertain this application. It is clear from the order that the paragraphs of the affidavit were reproduced to show that the affidavit was not relevant for adjudicating issues before the trial court and the trial court had rightly not taken the

affidavit on record. This Court was not supposed to consider the truthfulness of the allegations nor this Court considered the same. Mere reproduction of the paragraphs of the affidavit does not make the contents of affidavit as truthful. However, the applicant would be at liberty to proceed against the person making the affidavit, if so advised, if the applicant considered the contents of the affidavit were defamatory in nature.

3. I find no force in this application. The application is hereby dismissed.

May 31, 2010
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SHIV NARAYAN DHINGRA J.