



2026:DHC:6099



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on: 4th May, 2026*
Pronounced on: 30th July, 2026

+ **RSA 90/2026, CM APPL. 29562/2026, CM**
APPL.29563/2026, CM APPL.29564/2026

ANIL BABBAR

S/o Sh. Kewal Krishan Babbar
R/o M-37 2ND Floor, Gali No. 5,
New Mahavir Nagar,
New Delhi.

.....Appellant

Through: Ms. Bhanita Patowary, Advocate.

versus

1. **UPASANA KAPOOR (WIFE)**

W/o Sh. Anil Babbar
D/o Late Sh. Kashmiri Lal Kapoor
R/o 11/240, Geeta Colony,
Delhi-110031.

.....Respondent No.1

2. **DEEPAK KAPOOR (BROHER-IN-LAW)**

S/o Late Sh. Kashmiri Lal Kapoor
R/o 11/240,
Geeta Colony,
Delhi-110031.

...Respondent No. 2

3. **JYOTI PURI (SISTER-IN-LAW)**

W/o Sh. Sumit Puri
D/o Sh. Kashmiri Lal Kapoor
R/o 11/240,
Geeta Colony,
Delhi-110031.

....Respondent No.3

Through: Appearance not given

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA



J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The present Regular Second Appeal under Section 100 read with Section 151 of the Code of Civil Procedure, 1908 (*hereinafter referred to as the "CPC"*), has been filed on behalf of the Plaintiff/Appellant against the Judgment and Decree dated 26.12.2025, whereby the learned District Judge-05, South-West District, Dwarka Courts, New Delhi, has upheld the *dismissal of the Suit for recovery of damages of Rs.1,00,000/- on account of the alleged defamatory statements and Facebook posts made and published by the Defendants/Respondents.*
2. The Plaintiff/Appellant had filed a Civil Suit bearing CS SCJ No. 2066/2018 seeking recovery of damages of Rs.1,00,000/- along with the *pendente lite* interest @ 24% p.a., on account of *reputational harm, emotional distress, mental anguish.*
3. ***The facts, in brief,*** are that the Plaintiff/Appellant, Anil Babbar, got married to the Defendant No. 1, Smt. Upasana Kapoor, according to the Hindu Customs and Rites on 01.12.2014. They were blessed with one daughter, Samriddhi Babbar on 24.10.2015 out of the wedlock. Since 10.06.2016, the child is in the exclusive custody of the Defendant No. 1.
4. The Plaintiff/Appellant asserted that soon after the marriage, there was matrimonial discord between the parties. Defendant No. 1 frequently quarrelled with him over trivial matters, shouted at him, abused and threatened him, and his family members. It was further alleged that she made disparaging remarks against the Plaintiff/Appellant and his parents;



did not participate in household responsibilities and failed to accord due respect to the elders of the family.

5. Defendant No. 1 repeatedly pressurised him to sell the matrimonial home and purchase a separate property in her name, and also compelled him to claim his share in the family property. She also assaulted the Plaintiff on 14.05.2016 and even threatened to commit suicide by cutting her veins on 27.03.2016. Eventually, owing to the matrimonial discord, Defendant No. 1 left the matrimonial home along with the minor child, on 10.06.2016, purportedly stating that she would return within 15–20 days; however, she continued to reside at her parental home, thereafter.

6. The principal grievance of the Plaintiff/Appellant was that Defendant No. 2, Mr. Deepak Kapoor, and Defendant No. 3, Ms. Jyoti Puri, who are the brother and sister respectively, of Defendant No. 1, Ms. Upasna Kapoor, along with their other family members, *entered into a conspiracy with a common mala fide intention to change and conceal the identity of the Plaintiff's daughter*. In furtherance thereof, Defendant No. 2 sought suggestions on Facebook for the name of a female child beginning with the letters “S” and “D”.

7. Several suggestions were received in response to the said Facebook post, from which the name “Saanvi” was selected. The Plaintiff/Appellant claimed that the Defendants thereafter, *changed the name and surname of his daughter from “Samriddhi Babbar” to “Saanvi Kapoor”, without his knowledge or consent*.

8. It was further asserted that Defendant Nos. 1 to 3 and their family members, *made a series of indirect comments and posts on Facebook, against the Plaintiff*. Though the posts did not expressly name the Plaintiff,



they were understood by his neighbours, friends and relatives to be directed against him. *These Facebook posts caused immense mental anguish and emotional distress to the Plaintiff and lowered his reputation, as well as that of his parents, in the estimation of persons known to them.* Through these Facebook posts, the acquaintances of the Plaintiff also came to know that Defendant No. 1 was no longer residing with him and that the name of the minor daughter had been changed.

9. Furthermore, Defendant No. 1 and her family members were in the habit of making indirect comments, against the Plaintiff and his family members on Facebook. The photographs of the minor daughter were uploaded on several occasions, including Janmashtami, Ganesh Utsav and her birthday celebrations, describing her as "Saanvi Kapoor", thereby portraying her as having no connection with the Plaintiff or his family.

10. On several occasions, the Plaintiff requested Defendant No. 1 and her family members not to change the name of the minor daughter, since her Birth Certificate had been issued in the name of "Samriddhi Babbar", which was within the knowledge of Defendant No. 1. *On 24.10.2016, on the occasion of the first birthday of the minor daughter, the Plaintiff was not permitted to give her clothes, toys and other articles.*

11. The Defendant No. 1 became ruthless, emotionless and stone-hearted, had been poisoning the mind of the minor daughter against the Plaintiff and his family members. On several occasions, the Plaintiff and his family members visited the residence of Defendant No. 1 to meet the minor child, but were not permitted to do so.

12. *The Mundan ceremony of the minor daughter was performed without any intimation to the Plaintiff, who came to know of it through Facebook*



posts. When the Plaintiff confronted Defendant No. 1, she threatened that she would not return to the matrimonial home unless the Plaintiff sold the matrimonial house and purchased an independent flat in her name. The Plaintiff tolerated such acts, conduct and behaviour of Defendant No. 1 in the hope that with the passage of time, good sense would prevail, but all such hopes proved to be in vain.

13. Thereafter, *Defendant No. 1 made a Complaint dated 25.08.2017 to the SHO, Police Station Geeta Colony, pursuant to which the Plaintiff and his family members were summoned by the Police.* She also made a Complaint dated 18.04.2017 before the Special Police for Women and Children, Kirti Nagar, which was forwarded to *CAW Cell, Patparganj and the Mediation Centre, Family Welfare Committee, Karkardooma Courts.*

14. The Plaintiff maintained that he was always willing to bring Defendant No. 1 back to the matrimonial home, but she refused to return. *Subsequently, FIR No. 292/2018 under Sections 498A/406/34 of the Indian Penal Code was registered, on 18.06.2018.* The Plaintiff alleged that Defendant No. 1 in connivance with Defendant Nos. 2 and 3 and the other family members, *was attempting to falsely implicate him.*

15. Aggrieved by the aforesaid acts of the Defendants, *particularly the alleged defamatory Facebook posts,* the Plaintiff instituted the present Suit *seeking recovery of damages of Rs.1,00,000/- along with pendente lite interest @ 24% per annum on account of loss of reputation, physical and mental torture and agony.*

16. The Defendants, in their joint **Written Statement**, raised *preliminary objections* that the *Suit was an abuse of the process of law and did not disclose any cause of action.*



17. **On merits**, the marriage between the Plaintiff and Defendant No. 1 and the birth of their daughter were admitted, while the remaining averments were denied. The Defendant No. 1 states that she had, in fact, been harassed by the Plaintiff and his family members; thus, compelling her to leave the matrimonial home.

18. It was further averred that none of the Facebook posts relied upon by the Plaintiff, were defamatory or capable of causing any loss to his reputation. Insofar as, change of the name of the minor daughter, it was explained that *she was affectionately called "Saanvi Kapoor"; however, her official name continued to remain "Samriddhi Babbar"*.

19. All the contents of the Complaint, were denied and it was stated that the Suit of the Plaintiff, be dismissed.

20. The Plaintiff in the **Replication**, reiterated his assertions as made in the Complaint and denied all the allegations made in the Written Statement.

21. From the pleading of the parties, the **Issues** were framed on 08.11.2021, which are as under:

- i. *Whether the plaintiff is entitled to the relief of recovery of damages with interest, as prayed for? OPP*
- ii. *Whether the defendants not posted/uttered any defamatory statement against the plaintiff? OPP*
- iii. *Relief.*

22. The Plaintiff in support of its case, examined himself as **PW-1** and proved the various Facebook Posts and also the copy of the FIR registered against him, which are Ex.PW-1/1 to Ex.PW-1/15.



23. **PW-2, Mr. Sumeet Puri**, husband of the sister of the Defendant No. 1, in his testimony, proved the coloured photographs of the daughter, Ex.PW-2/2 along with the Certificate under Section 65 B as Ex.PW-2/3.

24. **PW-3, Mr. Sanjay Kumar** and **PW-4, Mr. Krishan Kumar**, tendered their evidence by way of Affidavits, Ex.PW-3/1 and Ex.PW-4/1 respectively, wherein they supported the averments in the Plaint.

25. In response, the Defendants examined **DW-1 Ms. Upasna Kapoor, (Defendant No. 1)**, who tendered her evidence by way of Affidavit, Ex. DW-1/B, and deposed on the lines of the defence taken in the Written Statement.

26. The ***learned Civil Judge***, upon appreciation of the evidence, held that none of the Facebook posts constituted defamation or caused reputational harm to the Plaintiff. Each post was considered separately and was found incapable of being construed as defamatory. It was also observed that the *mere filing of an FIR or complaint*, would not constitute defamation, unless the allegations contained therein were conclusively found to be false. Every person has the right to lodge a Complaint and until the allegations are disproved, *the exercise of such right cannot be termed defamatory*.

27. Though some of the Facebook posts may have caused emotional distress to the Plaintiff, as they pertained to personal and familial matters involving his daughter, *they largely reflected personal grievances, opinions or sarcasm* and did not satisfy the essential ingredients of defamation. The Plaintiff also failed to prove that the statements were false, were made with the intention of harming his reputation, or had lowered his estimation in the eyes of the public or caused any professional or reputational loss.



28. It was further held that although the Defendants may have affectionately addressed the minor daughter as “Saanvi”, her legal name continued to be “Samriddhi Babbar”, and merely calling her by an affectionate name, could not amount to reputational harm. ***Consequently, none of the Facebook posts fulfilled the legal requirements of defamation and consequently, the Suit was dismissed.***

29. Aggrieved by the said Judgment, the ***Plaintiff preferred RCA Civil DJ ADJ/3/2025.*** The ***learned District Judge*** reappreciated the Facebook posts and the contentions raised by the Plaintiff/Appellant and concurred with the findings of the learned Trial Court that none of the posts amounted to defamation or resulted in any reputational loss to the Plaintiff. Consequently, ***the Judgment and Decree of the learned Civil Judge dismissing the Suit, were upheld.***

30. Aggrieved by the concurrent findings of the learned Courts below, the Plaintiff/Appellant has preferred the ***present Regular Second Appeal.***

31. The ***grounds of challenge*** are that the learned Courts below, failed to appreciate the scope of defamation under Section 499 of the Indian Penal Code, which includes *the making or publication of any imputation, by words, signs or visible representations, with the intention of harming, or with the knowledge or reason to believe that it would harm, the reputation of a person.*

32. It is asserted that the Facebook posts relied upon by the Appellant, particularly those referring to his professional identity as a lawyer, amounted to defamation and caused injury to his personal and professional reputation.



33. The finding that the name of the minor child had not been changed, is assailed as having been based solely on oral testimony, despite the failure of the Defendants to produce any documentary evidence in support thereof.

34. The decision in Ram Jethmalani v. Subramanian Swamy has also been incorrectly applied to the facts of the present case. In the said decision, the defendant had not entered the witness box and damages of Rs.5,00,000/- were awarded to the plaintiff. Likewise, in the present case, Defendant Nos. 2 and 3 did not step into the witness box, while the testimony of Defendant No. 1 was vague, as she repeatedly stated during her cross-examination that she did not remember the Facebook posts and did not specifically deny their contents. *Therefore, the Judgment has not been rightly interpreted by the two Courts.*

35. The learned Courts below also failed to appreciate the defamatory tenor of expressions such as “kick his ass”, “beech sadak par goli maar do”, “P for Pajama”, “20 gms of brain”, “he is not insaan”, “if you are a lawyer?”, “Anil Babbar/pyar se vakil babu”, “She calls me Papa” and “I kept your place very well”, severely impaired the personal and professional reputation of the Appellant. The essential elements of cyber defamation, namely, a false imputation, intention to harm, publication to third persons and consequent injury to reputation, were duly established in the present case. The Facebook posts also caused severe emotional distress to the Appellant.

36. The learned Courts further failed to consider the matrimonial discord between the parties and the institution of false and frivolous proceedings against the Plaintiff. Viewed in this background, the Facebook posts were false, malicious and calculated to damage his reputation.



37. PW-2, Mr. Sumeet Puri, husband of Defendant No. 3, admitted in his cross-examination that the Facebook posts, Ex. PW-1/4, had been planned by the Respondents, in his presence. The testimonies of PW-3, Mr. Sanjay Kumar, and PW-4, Mr. Krishan Kumar, as well as the judgments relied upon by the Appellant, have not been duly considered. Even though some of the statements may appear innocuous on their face, their hidden and secondary meaning, was sufficient to cause harm to the reputation of the Appellant. The false statements were also communicated to third parties with the intention of lowering the Appellant's character and reputation in the estimation of the public.

38. Both the learned Civil Judge and the learned District Judge failed to appreciate the evidence and the Facebook posts in their proper perspective, despite their defamatory nature and the consequent injury caused to the Appellant's reputation. *A prayer has, therefore, been made for setting aside the impugned Judgments and Decrees.*

Submissions heard and the record perused.

39. At the outset, it may be observed that the jurisdiction of this Court in a Regular Second Appeal under Section 100 of the CPC is confined to a substantial question of law. The concurrent findings of fact returned by the learned Courts below cannot be interfered with, unless it is shown that such findings are perverse, being based on no evidence, or on inadmissible evidence, or contrary to the mandatory provisions of law, or contrary to the law as declared by the Supreme Court.

40. *In the present case, no substantial question of law has been formulated or proposed by the Appellant.* Even otherwise, upon a



consideration of the Judgments of the learned Courts below and the grounds raised in the present Appeal, *no substantial question of law is found to arise, as is evident from the discussion hereinafter.*

I. Whether the Facebook posts constitute defamation:

41. The principal grievance of the Appellant is that the various Facebook posts made by the Defendants were directed against him and had caused harm to his personal and professional reputation.

42. For a statement to constitute defamation, it is not sufficient that it may have caused hurt, annoyance or emotional distress to the person concerned. It must be established that the imputation was made or published concerning that person and was such *as lowered his reputation in the estimation of others*. The Facebook posts relied upon by the Plaintiff have to be examined on this touchstone.

43. The learned Civil Judge has considered each of the Facebook posts separately, while the learned District Judge has reappreciated the posts and the evidence led by the parties. The essential parts of the posts, are as under:-

Post dated 18.09.2015 by Defendant No. 2:

“Shame on those who don’t respect the feelings and emotions of their wife..making a hundred commitments before marriage is easy but different to follow them after marriage....I want to ask those educated people, why don’t your hitler’s law is not applicable on your own daughters? Missing my sister Upasna Kapoor.”

Post dated 14.06.2016 by Defendant No.2:



“What’s the use of becoming a doctor, lawyer or something else, if you can’t buy happiness for your family, your wife n child? Such people are high in attitude and low in relations.”

Post dated 25.06.2016 by Defendant No.2:

“Hey guys, any idea how to download birth certificate (oct 2015) online?”

Post dated 27.06.2016 by Defendant No.2:

“Single mothers can do better than being is false relationship.”

Post dated 27.06.2016 by Defendant No. 2:

“Anyone for assistance in New passport for new born baby?”

Post dated 30.06.2016 by Defendant No. 2:

“Hey guys, any suggestion for baby girl’s name?? Alphabet is ‘S’ and ‘D’. Thanks.”

Post dated 12.07.2016 by Defendant No. 2:

“Heights of Doubt....”

Post dated 20.07.2016 by Defendant No. 2:

*“So it’s proved...I am a role model for someone:) I had posted my photograph yesterday...message delivered to followers....today, they have changed their photograph in the same pose...come on guys, be a human being instead of monkey:) dosto, galat to nahi bola na??”
Defendant No. 3 commented, “Bilkul Nahi.”*



Post dated 26.08.2016 by Defendant No. 2:

A picture of the plaintiff's daughter with the name "Saanvi" during Krishna Janmashtami, with the caption: "Upasana Kapoor, nothing else is better than being a proud mother of such a cute baby...this time will never come back in your life..enjoy the moments!

You're among a few fortunate people who present them as mom, dad and everything to their children."

Post dated 24.09.2016 by Defendant No. 2:

"If men can't respect his wife and children...wife has freedom to kick his ass and move on...no one can write your destiny except god. So choose wisely, freedom or slavery?"

Defendant No. 2 commented: "First of he is not a man who gives no respect 2 his wife..in today's world, a woman is very much aware of her rights, so kick these husbands who r so handicapped and can't bear d responsibility of his wife and children."

Post dated 25.09.2016 by Defendant No. 2:

"Our daughter ...saanvi Kapoor:) she is so funny and cute...learning alphabet..m for mam and p for pajama....I asked her many times...p for papa and she always calls pajama ;) fortunately, she considers me her father and play in my laps...lucky me :)"

Post dated 25.09.2016 by Defendant No. 2:

"Please note down time, date and length of my messages. Take a print out and show to everyone and do burn your blood;) nothing bothers me...World is too big and I need to concentrate on productive things...Happy burning!"

Post dated 11.10.2016 by Defendant No. 2:



"Dusshera celebration with my little niece and sis...little princess is enjoying the best time of her life with naanu, nani, and mama...we are feeling so proud to have her with us....value of a cute children can be estimated by a fortunate mother...god bless my little saanvi kapoor."

Post dated 24.10.2016 by Defendant No. 2:

"Baby Kapoor is celebrating her 1st birthday with nana, nani, and their family. Such a wonderful moment; a time that would never come again. Special thanks to brave mother ... we do celebrate the moments like a carnival, and others just look at the photograph, save it, print it. file it. and pretend to smile in the pain ... god bless them with 200gms of brain ;)"

Post dated 22.08.2017 by Defendant No. 2:

"My dearest brother-in-law (ANIL BABBAR / प्यार से वकल बाबू),

I am so thankful for your wishes and please convey my regards to your parents, brother and sister Sarika. Trust me; your wishes are bringing me good luck (I got another salary increment) and my face is illuminating with success. It's all because of your wishes. I am feeling embrace that I couldn't invite you and your BABBAR parivaar on this occasion.

But believe me; you were into my heart, hence keeping शाद कमलनी का कम्बल for you.

But I am sad that you didn't miss me as I In fact, you didn't once call me, your wife and YOUR CUTE do miss you DAUGHTER SAANVI. Unfortunately, you were not around, when Saanvi started calling Papa and then she considered me as her god father, and . I celebrated her 1st birthday at Hotel 9she calls me "Papa" sometime Leela Palace and it was amazing.



Sadly, Saanvi did't receive any gift from her GRANDPARENTS AND FATHER. But, I kept your place very well and gave her an expensive doll from your side. I want to ask you as a brother in law (not enemy). She is the only and first children in your family; don't you understand the importance of this? Nevertheless, I see my own daughter in your daughter Saanvi. She learnt walking, dancing, singing, smiling, jumping and so many funny things in front of my eyes and it all makes me so lucky. Her giggling is best stress reliever for me. I don't go to temple but touch her feet every morning, and it has been bringing me lot of luck every day (got a promotion recently). SEE....how fortunate I am.

Is rejection of a new born baby GIRL and her mother acceptable in your family? What is the use of your education, if it does not support your feelings towards a little cute baby? Don't take me otherwise, but will you allow me and my wife to adopt Saanvi with your permission?

We're financially strong and capable enough to take care of her education in best institutions in the world.

Everybody is making fun of your post and asking me, if you're a lawyer? I respect you and your family, so kindly, does not close all doors so quickly or you might regret it later. But if you wish, then all my family is standing with me and Upasna and we're ready to go till last end. Thanks Madhu Dawar Ritu Nagpal Ashok AroraAshok BoseMansi Ahuja Amit Kumar

Regards Deepak Kapoor. This is my own decision and i am happy with it.

Post dated 18.07.2016 by Defendant No. 3:

"पाना का टका पर चढ़ कर मरन का धमका दत गाय क पात साड. इन रुहना है की जब गों रक्षा #गिरोह वाले गाय को माँ मानते है तो मुझे पि स्यों नहीं मानते."

Post dated 24.10.2016 by Defendant No. 1:



“Jo insaan apne bache ka nahi ho saka who kabhi kissi ka nahi ho sakta. Am I right or wrong? Aise insaan ka kya karna chahiye, Please tell.”

Comments made by Defendant No. 1 & 2 on post dated 18.06.2017:

“Defendant no. 2 commented: “Saanvi is celebrating Happy God-father’s Day today :) But she didn’t wish me yet :)”

Defendant No. 1 commented: “I’m her mother and father. I’m very happy with her. God Bless her.”

Post dated 17.08.2017 by Defendant No. 1:

“Saanvi our chhoti Radha Rani, celebrated her second Shri Krishna Janamashtami & Independence /Jay al Nanu & Nani’s house. Very happy, dancing & enjoying. God Bless her.”

(a). Posts relating to the minor daughter:

44. A large number of the Facebook posts relate to the minor daughter of the parties. These include the posts seeking assistance regarding her Birth Certificate and Passport, inviting suggestions for a name beginning with the letters “S” and “D”, and affectionately referring to the minor daughter as “Saanvi Kapoor”.

45. The Plaintiff has not been able to establish that the official name of the minor daughter was ever changed from “Samriddhi Babbar” to “Saanvi Kapoor”. The Defendant No. 1 has explained that the child was affectionately called “Saanvi”, while her official name continued to remain “Samriddhi Babbar”. *Merely calling the child by an affectionate name or*



seeking suggestions for such name, cannot amount to defamation of the Plaintiff.

46. The grievance that the surname “*Kapoor*” was used along with the name “*Saanvi*” may have been a cause of concern or emotional distress to the Plaintiff, but it cannot be construed as an imputation which lowered his reputation in the eyes of any person. The same could not give rise to a cause of action for damages on account of defamation.

47. Furthermore, Defendant No. 1 being the mother, had a right to choose the name of the daughter. In case the father was aggrieved, he has judicial remedy, but merely because the Defendant No. 2 sought suggestions or affectionately was calling the child as Saanvi, *is not defamatory as has been rightly held by the two Courts.*

48. One such Facebook post, on which emphasis has been placed, was written to the Plaintiff in detail, only to state that Defendant No.2 (maternal uncle) had immense affection for the daughter and was willing to adopt her, having sufficient means to do so. How can this be termed as defamatory or harmful to the reputation of the Plaintiff, has neither been explained nor proved, nor can such post can be said to have harmed the Plaintiff's reputation.

49. The next set of posts contains photographs of the minor daughter on occasions such as Janmashtami, Dussehra and her birthday, showing her celebrating with Defendant No. 1 and her maternal family. *Merely posting photographs of the child or expressing happiness on such occasions, cannot be termed defamatory.* These posts may have caused anguish to the Plaintiff on account of his separation from the minor child, but emotional pain cannot be equated with loss of reputation.



(b). Posts concerning the matrimonial relationship:

50. The other set of posts contains general comments on the conduct expected of a man as a husband and father and criticise men who do not respect their wives or children or fail to discharge their familial responsibilities. The posts dated 18.09.2015, 14.06.2016, 27.06.2016 and 24.09.2016, do not specifically name the Plaintiff.

51. Even if these posts are read in the backdrop of the matrimonial discord between the Plaintiff and Defendant No. 1, they essentially express personal grievances concerning their matrimonial relationship. *Such general comments, without any specific imputation which could lower the Plaintiff in the estimation of others, cannot be termed defamatory, as has been rightly held by the learned Courts below.*

(c). Sarcastic and unpleasant remarks:

52. Some of the posts contain sarcastic, unpleasant and distasteful expressions, including “kick his ass”, “P for Pajama”, “200 gms of brain”, “Happy burning” and “pyar se wakil babu”.

53. The posts have to be read in their entirety and in the context in which they were made. They predominantly reflect matrimonial discord, personal grievances and familial hostility. Undoubtedly, some of these expressions are sarcastic, distasteful and reflect the bitterness which had developed between the parties and their family members. *However, every sarcastic, offensive or unpleasant remark cannot by any stretch, by itself, constitute defamation.*



54. Merely referring to the Plaintiff as a lawyer or addressing him as “*vakil babu*,” is a statement of fact and cannot cause harm to his professional reputation. No evidence has been led to show that any client, colleague or member of the legal profession, formed an adverse opinion about the Plaintiff or that his professional standing suffered on account of these posts.

55. *The two learned Courts have therefore, rightly concluded that, though some of the posts may have caused personal hurt or emotional distress to the Plaintiff, they did not result in any proved loss of reputation and could not constitute defamation.*

56. To sum up, the learned District Judge had rightly observed as under:

86. *“While the plaintiff feels personally attacked, there is no evidence that these posts have caused tangible harm to his professional or public reputation. Plaintiff witnesses viz., PW-2, PW-3 and PW-4 have not provided concrete evidence that the plaintiff’s reputation within his professional community or among peers has been diminished as a result of the Facebook posts. The posts, while hurtful on a personal level, largely reflect familial discord and personal frustration, rather than public defamation that could impact the plaintiff’s standing as an advocate or in society at large. Apart from bare averments, the witnesses have also failed to establish that the facebook posts of the defendants were visible to them. The witnesses could not tell whether the plaintiff was tagged in the posts. Evidently, the plaintiff was not tagged or named in almost all the posts except one. Thus, it is highly unlikely that the post of a friend would appear on their feed, thereby making their testimonies indirect. The remaining testimonies of the witnesses also appear to be hearsay as it pertains to the incidents occurred within the family.”*



57. The learned District Judge has thus, rightly observed that, though the Plaintiff may have felt personally attacked and the posts may have caused hurt at a personal level, no concrete evidence was produced to show that his professional or public reputation had been diminished. *The posts essentially reflected familial discord and personal frustration and did not result in any proven injury to his standing as an Advocate or in society.*

58. The learned Civil Judge has considered the contents of each Facebook post, and the learned District Judge has independently reappreciated the evidence and affirmed the findings of the learned Civil Judge. The concurrent findings are based upon the pleadings and evidence on record and cannot be said to be perverse or contrary to law.

II. Whether publication and loss of reputation have been proved:

59. It is next contended that the testimonies of PW-3, Mr. Sanjay Kumar, and PW-4, Mr. Krishan Kumar, have not been considered by the learned Courts below. *However, the testimony of PW-3 and PW-4, cannot establish loss of reputation when the acts itself, have been held to be non-defamatory.* Significantly, the Plaintiff was neither named nor tagged in most of the Facebook posts.

60. It is also pertinent to note that PW-2, Mr. Sumeet Puri, is none other than the estranged husband of the sister of the Defendant No. 1 and his testimony has been rightly disbelieved by the two Courts. Even otherwise, his testimony also does not prove the acts defamatory, which otherwise



have been found to be not meeting the criteria of defamation or loss of reputation.

61. **PW-3 and PW-4** were also unable to satisfactorily explain how the posts became visible to them or how they understood the posts to be referring to the Plaintiff. Their testimonies, therefore, neither establish publication of the alleged imputations concerning the Plaintiff nor any consequent lowering of his reputation.

62. The contention that Defendant Nos. 2 and 3 did not enter the witness box, also does not advance the case of the Appellant. The initial burden was upon the Plaintiff to establish that the posts contained defamatory imputations concerning him, that they had been published to third persons and that they had caused injury to his reputation. The non-examination of Defendant Nos. 2 and 3 could neither relieve the Plaintiff of this burden nor cure the deficiencies in the evidence led by him.

III. Complaints and registration of FIR:

63. The Plaintiff has also referred to the Complaints and the FIR registered at the instance of Defendant No. 1. Mere lodging of a Complaint before the competent authority, does not constitute defamation merely because the allegations are disputed by the person against whom they are made. In the absence of any finding that the allegations were false and were circulated with the intention of harming the reputation of the Plaintiff, the filing of such Complaints cannot sustain a claim for damages.



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Conclusion:

64. The Appellant, through the present Appeal, essentially seeks reappreciation of the evidence and a different interpretation of the Facebook posts. No substantial question of law arises for consideration.

65. ***There is no merit in the Appeal, which is hereby dismissed.*** Pending Applications, if any, are also disposed of, accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

JULY 30, 2026/RS