

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.26 OF 2009
IN
SUIT (L.) NO.2537 OF 2008

M/s. Pan India Network Infravest Pvt. Ltd. ... Petitioners
Vs.
R Satish Kumar ... Respondent

V R Kastle, Adv, i/b. Ram & Co. for petitioners.
None present for respondents.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 31st March, 2015.

P.C. :

1. This petition is filed alleging contempt of the order dated 15th September, 2008 Exh.A to the plaint restraining the respondent from publishing any defamatory statement against petitioner. Contempt Petition has been filed on 27th February, 2009.

2. The petition reached hearing in 2014. On the first date of hearing on 8th July, 2014 itself the petition was sought to be served and a report was awaited from High Court of Andhra Pradesh. Hence petition was stood over to 14th August, 2014. The same position prevailed and it was stood over to 10th November, 2014. Thereafter it was kept for dismissal on 11th November, 2014 and thereafter it has been appearing for dismissal. On 24th November, 2014 a letter of 13th November, 2014 of the Prothonotary and Senior Master of this Court to the Registrar General of the High Court of Andhra Pradesh came to be sent and the petition was again adjourned to 2nd February, 2015.

3. The correspondence was for service. The service was not effected. The petition was stood over to 10th February, 2015, 16th March, 2015, 23rd March, 2015 and thereafter to today. It is seen that the petition is yet not served. Service has been awaited since a number of months.

4. Hence the Court saw what the petition was about. It is seen that the order dated 15th September, 2008 is stated to be breached. The order is in personam in respect of the plaintiff company. The defendant was enjoined from making or publishing any defamatory statements against the plaintiff.

5. There are various letters written by the defendant annexed to the petition which are prior to the said order and hence wholly irrelevant or mischievously annexed. The only letter of the defendant after the aforesaid order was passed is dated 1st February, 2009. That letter makes no reference to the petitioner. It makes no allegations against the petitioner. At best it makes certain allegations against the subsidiary company of the petitioner. Such company is a separate, independent, distinct, legal entity.

6. In fact in another letter dated 28th August, 2008 of the defendant to the plaintiff the defendant has specifically stated that he has no intention to defame the petitioner. The defendant has stated why the matter that he got published (not against the petitioner) was relating to the public at large and for loss of tax to Maharashtra Government. Such publication may tantamount to fair comment and may not be defamation against the petitioner. The respondent has been directed not to publish any defamatory material. That would

not mean and include any material against the another company. The interim order cannot be taken to be a gagging order. The respondent has specifically stated in the letter dated 28th August, 2008 that he would not submit / publish any defamatory statement against the petitioner company. In fact he has stated that the “truth of the transparency will come out and it will enhance the brand image of your lotteries”.

7. Absolutely no defamatory material published by the respondent is seen. The petition is completely mischievous and false and is, therefore, dismissed.

(ROSHAN DALVI, J.)