

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No.4378 of 2015 (O&M)

Date of decision : 27.03.2019

Dr. Jagmal

...Appellant

Versus

Sandhya Dainik Taje, Bathinda and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Goyal, Advocate for the appellant.

Mr. Inderjit Sharma, Advocate for respondent Nos.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

Plaintiff through the present suit for recovery had sought damages and compensation amounting to ₹4,00,000/- against the newspaper for publishing malicious article (news report).

Both the Courts on examination of the evidence have found that the plaintiff has failed to lead sufficient evidence to prove the damages/compensation to which he is entitled to. Plaintiff himself appeared as PW1 but did not examine any other witness. At the time of admission of the present appeal, as proposed by the learned counsel, following substantial questions of law were framed:-

“(i) Whether the suit and appeal filed by the appellant-plaintiff can be dismissed by relying upon the deposition of interested witnesses and also in the circumstances that there were material contradictions in the statements of affidavit

and cross-examination?

(ii) Whether the affidavit of the witness can be got prepared by the counsel for the party and that too with material contradictions?

(iii) Whether the suit and appeal filed by the appellant-plaintiff can be dismissed by taking the technical ground of non-examination of any witness from the general public especially when the news published itself amounts to defamatory and can lower the reputation/image and business of the appellant-plaintiff?

(iv) Whether the reputation of the appellant has been lowered down due to the publication of the news item in the news paper especially when the appellant is running a reputed Neuro Centre and the news has been published in order to tarnish the image of the appellant in the public with an ulterior motive?

(v) Whether the local press can be permitted to tarnish the image of the reputed person by publishing the reports/news without any authenticity?

(vi) Whether the action of the respondents in publishing the news item without any concrete evidence deserves to be viewed seriously?”

Learned counsel appearing on behalf of the appellant has submitted that the plaintiff runs a private clinic and news item was published with reference to pregnancy of unmarried girl who was working as a Nursing Staff suggesting that the plaintiff had to do something with the pregnancy of the staff. Hence, he submitted that the reputation of the plaintiff has been lowered due to incorrect report.

Learned counsel for the appellant has read over the news item published, what has been published is that a young unmarried girl is

pregnant who was working in the hospital. Further reference is to the bearings given by the parents of the girl. Thereafter, there is a reference to the statement of another staff of the appellant who has alleged that girl became pregnant due to relations with the appellant. However, when the Reporter contacted the appellant, he denied that fact. On the basis of this news item, plaintiff claims damages. It may be noted here that the suit for damages can be decreed only if the plaintiff proves on record the damages suffered by him either on account of loss of reputation or on account of loss of business. In the present case as noted above, apart from plaintiff-appellant, no other witness has been examined. Still further, news report is not making any allegations directly against the appellant. The news report is only making a mention of allegations made by one Sh. Vicky who was working as Compounder in the hospital.

In view of the aforesaid discussion, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below. It may be noted that on the proposed questions of law extracted above, no argument has been addressed.

Accordingly, the present Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

27.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No