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

% *Date of Judgement: 25th March, 2019*

+ RFA(OS) 16/2019

PUSHPANDRA SINGH PARMAR

..... Appellant

Through Mr. Murari Tiwari, Mr. Rahul Kumar
and Mr. Raghwendra Tiwari,
Advocates.

versus

UC WEB MOBILE PRIVATE LIMITED

..... Respondent

Through Ms. Anuradha Mukherjee, Ms. Jyoti
Dastidar & Ms. Shreya Seth,
Advocates.

CORAM:

**HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH**

G.S. SISTANI, J. (ORAL)

CM APPL 8764/2019 (delay in filing)

1. This is an application filed by the applicant/appellant seeking condonation of 47 days delay in filing the present appeal.
2. Prayer made in this application is not opposed. Accordingly, delay of 47 days in filing the present appeal is condoned.
3. The application stands disposed of.

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4. This is an appeal under Section 10 of Delhi High Court Rules read with Section 96, read with Order XLI of the Code of Civil Procedure, 1908. Challenge in this appeal is to the order dated 27.09.2018 passed by a learned Single Judge of this Court.

5. The respondent/plaintiff had filed a suit against the appellant/defendant for permanent mandatory injunction. The following reliefs were claimed :

“(a) pass a decree of permanent injunction in favour of the Plaintiff and against the Defendant thereby restraining the Defendant from creating disruption or disturbance in any events being hosted by the Plaintiff or where Plaintiffs management are attendees including at the event to be held in New Delhi on 05.09.2018 at The Lalit, Connaught Place, New Delhi - 110001, being the venue of the sub-forum of the 2018 "XIN" Philanthropy Conference;

(b) pass a decree of permanent injunction in favour of the Plaintiff and against the Defendant thereby restraining the Defendant from approaching within a radius of 500 mtrs of the venue for any events that are hosted by the Plaintiff or where Plaintiffs management are attendees (including but not limited to the event to be held in New Delhi on 05.09.2018 at The Lalit, Connaught Place, New Delhi - 110001, being the venue of the sub-forum of the 2018 "XIN" Philanthropy Conference), as well as within a radius of 500 mtrs of the Plaintiffs office premises;

(c) pass a decree of permanent injunction in favour of the Plaintiff and against the Defendant thereby restraining the Defendant from contacting, or approaching in any manner the management, personnel or employees of the Plaintiff or of its affiliates with intent to engage in disparaging and denigrating conduct against the Plaintiff and disrupt events hosted or attended by the Plaintiff management;

(d) pass a decree of permanent injunction in favour of the Plaintiff and against the Defendant thereby restraining the Defendant from publicly issuing, disseminating, circulating or communicating, in any manner, any disparaging statements against the Plaintiff company and its personnel, at any place, forum or social media in relation to any events that are hosted by the Plaintiff or where the

Plaintiffs management are attendees (including but not limited to the event to be held in New Delhi on 05.09.2018 at The Lalit, Connaught Place, New Delhi - 110001, being the venue of the sub-forum of the 2018 "XIN" Philanthropy Conference);

(e) pass a decree of mandatory injunction in favour of the Plaintiff and against the Defendant thereby directing the Defendant to take down all videos, articles, posts, images, and/or any other misleading and disparaging material from all social media platforms;

(f) pass a decree of permanent injunction in favour of the Plaintiff and against the Defendant thereby restraining the Defendant from appearing-for any press conference or interview in the print media, electronic media, social media or any kind of circulation, by which the malicious, false, disparaging content against the Plaintiff, is affiliates, their management and their personnel, may be circulated;

(g) for any damage of Rs.2,00,05,000/- to be paid by the defendant to the plaintiff alongwith any other punitive damages.

(h) award costs of this suit to the plaintiff and against the defendants.”

6. On account of three emails issued by the appellant herein dated 03.08.2018, 06.08.2018 & 10.08.2018 addressed to all the employees of the management, the respondent/plaintiff was forced to knock the doors of this Court. When the matter was listed on 27.09.2018, the statement of appellant/defendant was recorded which we reproduce below :

“Statement of Mr. Pushpandra Singh Parmar, S/o Krishan Gopal Singh Parmar, R/o Flat No.#102, Plot No.309, Gyan Khand-1, Indirapuram, Ghaziabad-201014, Uttar Pradesh

On SA

I had no knowledge of the event dated 5th September, 2018 to be held at the Lalit. I had no intention to disrupt it and neither have I caused any disruption.

I do not have any intention nor have I even in the past levelled any threat against the management or employees of the Plaintiff.

I do not intend to make any derogatory remarks against the Plaintiffs, their management or employees.”

7. Post recording of the statement, the suit being CS (OS) 420/2018 was disposed of observing as under :

“3. Today the Defendant has appeared in person and his statement has been recorded. He has undertaken not to disrupt the events of the Plaintiff or make any derogatory remarks against the Plaintiff, its management and its personnel. The suit in fact, therefore stands satisfied.

4. Insofar as the prayer (a) and (b) is concerned, the event has already been conducted without any disruption. Insofar as prayer (c) is concerned, the same stands satisfied in view of the statement made by the Defendant. Insofar as prayer (d) is concerned, no derogatory remarks shall be made against the Plaintiffs. However, any grievances about the Plaintiff’s activities which the Defendant may have, would be raised in the appropriate forum without in any manner levelling threats against the Plaintiff, its management including its employees.”

8. In the present appeal, we had issued notice as it was submitted by Mr. Tiwari that an impression has been created as if the appellant has admitted the false allegations made in the plaint against him.
9. Counsel for the respondent, who has entered appearance, submits that the plaint did not contain false allegations. Counsel further submits that the entire plaint revolves around three emails, which were issued by the appellant and issuance of the emails are duly admitted in the present

appeal in paras KK, LL & PP, which we reproduce below :

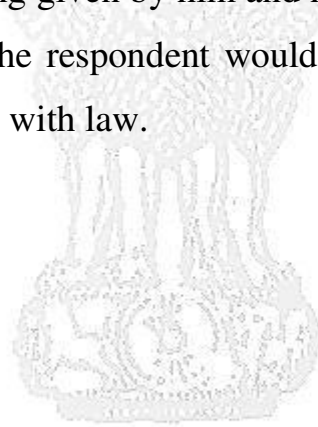
“KK. That on 3rd Aug, 2018 the appellant sent email to the respondent company's Indian employees and requested them not to support wrong doing being done by the company against India, Indians and Indian Government.

LL. That on 6th Aug, 2018 the appellant sent email again to the respondent company's Indian employees regarding a gift complaining about the insult of National flag by Indian employees which was planned and approved by Chinese bosses like Damon Xi and Sandra Xu- International HR Head and her team. Appellant mentioned clearly about train hacking case in the email. Appellant reminded to those Indians who were sent legal notice but they never replied. Appellant clearly brought the facts in the knowledge of all Indian employees (If all were not aware) which were related to the company's wrong doing like action by Government of India in August 2017 and Nov-Dec 2017.

PP. That on 10th August, the appellant sent email again to all Indian employees and shared the information in the emergency meeting of the respondent company and again reminded to all Indian employees not to believe the fake promises and encourage them to expose the company.”

10. Counsel for the respondent submits that in fact no clarification is required as in the statement itself, the appellant had stated “I had no intention to disrupt it and neither have I caused any disruption” “I do not have any intention nor have I even in the past levelled any threat against the management or employees of the plaintiff”. Counsel for the appellant submits that by giving an undertaking, he had not admitted to the averments made in the plaint.

11. We have heard the learned counsels for the parties and have examined the statement made by the appellant before the learned Single Judge and the averments made in the present appeal. In view of the fact that the appellant had himself stated that he had no intention to disrupt nor he has caused any disruption, we are of the view that no such impression has been created other than what is admitted in the appeal itself and as far as three emails are concerned, the same already stand admitted by him. In view of the categorical statement made, we find that the appeal is without any merit, the same is accordingly dismissed.
12. At this stage, counsel for the respondent, submits that the appellant is violating the undertaking given by him and has been writing emails, for which, if so advised, the respondent would take appropriate action, if available in accordance with law.



G.S.SISTANI, J.

JYOTI SINGH, J.

MARCH 25, 2019/ck