

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

% **Date of decision: 27th August 2019**

+ **CS(OS) 427/2019**

POPULAR FRONT OF INDIA **..... Plaintiff**

Through: Mr. Bahar U Barqi, Adv.

versus

TIMES NOW & ORS. **..... Defendants**

Through: Mr. Kunal Tandon, Ms. Niti Jain,
Ms. Richa Shandilya and Mr.
Girdhar Singh, Advs. for D-1 to 4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

1. The plaintiff has instituted this suit against (i) Times Now; (ii) Rahul Shivshankar; (iii) Nikunj Garg; and, (iv) Anand Narasimhan, for (a) recovery of damages amounting to Rs.2,01,00,000 with interest at 12% per annum w.e.f. 30th November, 2018 till recovery of the amount; and, (b) permanent injunction restraining the defendants from “televising any such baseless report against the Plaintiff in future in any manner whatsoever”.

2. It is *inter alia* the case of the plaintiff, (i) that the plaintiff, a Society registered under the Societies Registration Act, 1860, has suffered the damages claimed, on account of telecast, on 31st August, 2017 on the television channel of the defendants, of a debate programme wherein it was reported that the Ministry of Home Affairs had sought details about the plaintiff from the anti-terror agency National Investigative Agency (NIA) and that the NIA dossier with details of cases about the plaintiff had been sent to Ministry of Home Affairs and confidential report in which regard had been accessed by the defendants; (ii) that the plaintiff had suffered the

damages claimed, also by telecast, on 27th September, 2017 on the television channel of the defendants, of another debate where it was reported that the plaintiff organisation was about to be banned; (iii) that the plaintiff approached the police to lodge First Information Report (FIR) against the defendants but no FIR was registered; (iv) that the plaintiff thereafter filed W.P. (Crl.) No.2245/2018 but on the Commissioner of Police taking a stand in the Court that there had been no breach of any financial secret of the Government of India, the plaintiff withdrew the said writ petition; (v) that from the stand of the Police before the Writ Court that there had been no breach of any secret of the Government of India, it is clear that the report of the defendants was false; (vi) that the plaintiff thereafter got legal notice dated 30th November, 2018 issued to the defendants, calling upon the defendants to telecast an apology to the plaintiff; and, (vii) that no apology was tendered.

The cause of action paragraph 14 of the plaint is as under:-

“14. That the cause of action for filing the suit arose on 31.08.2017 and 27.09.2017 when the news was televised. It is specifically arose on 05.10.2018 during course of proceedings in W.P.(Crl.) No.2245 of 2018 when the stand of the Government was presented through their Counsel. It is also arose on the date when the legal notice dated 30.11.2018 was issued and the reply by them on 22.01.2019. The cause of action still subsists.”

3. The counsel for the plaintiff, on enquiry states that damages are claimed on account of the action of the defendants lowering the reputation of the plaintiff.
4. I have enquired from the counsel for the plaintiff, the limitation

prescribed in the Limitation Act, 1963, for such suit.

5. The counsel for the plaintiff states, that limitation for suits for damages is of three years.

6. The counsel for the defendants, appearing on seeing the matter in the cause list, has rightly drawn attention to Articles 75 & 76 of the Schedule to the Limitation Act, providing for limitation of one year for a suit for compensation for libel and slander respectively, commencing from the date when libel is published and from the date when the words are spoken or when the special damages complained of results, respectively.

7. The counsel for the plaintiff, faced therewith, states that he had issued a notice.

8. However the counsel for the plaintiff is unable to state as to how, issuing a notice will extend the period of limitation.

9. The counsel for the plaintiff then contends that prosecution initiated by the plaintiff is under way.

10. This court is not concerned with the prosecution if any initiated. Rather, the counsel for the plaintiff now states that he is not sure whether any prosecution has been initiated as yet.

11. The suit, on the averments contained in the plaint, is barred by time.

12. Though other questions as to maintainability of suit viz., entitlement of a Society, a juristic person, to sue for damages for defamation, the entitlement of a claim for defamation against a news broadcaster, effect of non contravention by the plaintiff of, details with respect to it having been sought by Ministry of Home Affairs from NIA and preparation of report by

NIA etc., also arise but the claim having been found to be barred by time, need to go into said aspect is not felt.

13. Though the counsel for the plaintiff has not argued, I have also considered the maintainability of suit qua the relief of injunction.

14. The plaintiff has valued the suit, for the purposes of court fees and jurisdiction, at Rs.2,01,00,000/- for the relief of recovery of damages and at Rs.200/- for the relief of injunction.

15. The suit, for the relief of injunction, is below the minimum pecuniary jurisdiction of this Court.

16. The plaint also does not disclose any cause of action for the relief of injunction. No threat has been pleaded. Rather, there is no averment in the plaint of after 27th September, 2017. The cause of action if any on the basis thereof, is stale.

17. The suit is thus dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 27, 2019

‘pp’..