

\$~34

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

+ **CM (M) 47/2020**

ANIRUDDHA BAHAL Petitioner
Through: Mr. Shiv Chopra, Mr. Shashank
Dewan, Mr. Mayank Mishra and Ms.
Smriti Ravi Chandra, Advocates.
(M:9711298808)
versus

DR CHANDRA PRAKASH & ANR. Respondents
Through: Mr. Kuljeevan Siddharth, Advocate
for R-1. (M:9818664438)
Mr. Anujay Tiwari and Mr. Manoj
Tyagi, Advocates for R-1.
(M:9650002229)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **30.01.2020**

CM APPL. 2071/2020 (exemption)

1. Allowed, subject to all just exceptions. Application is disposed of.

CM (M) 47/2020, CM APPL. 2070/2020 & 2072/2020

2. A suit for recovery of damages of Rs.15 lakhs was filed by Dr. Chandra Prakash, Indian Police Service Officer (Retired). The suit has been filed against Mr. Aniruddha Bahal – the Petitioner herein, who is Defendant No.1 in the suit, Shri Rohtas Singh, ACP (Retired) and the Editor of Times of India, Delhi edition. The case of the Plaintiff is that various incorrect allegations were made against him resulting in damage to his reputation. Hence the prayer for damages. The evidence in the suit stands concluded. Arguments have also been heard partly, as per counsels for the parties.

3. Defendant No.1 wished to rely upon a certified copy of the 'Justice Nanavati Commission of Inquiry Report on 1984 Anti-Sikh Riots' ("*Nanavati Commission Report*"), in order to establish the Plaintiff's role during the 1984 riots. An application was moved by the Defendant No.1 for taking on record the certified copy of the Nanavati Commission Report and for summoning officials from the Ministry of Home Affairs to prove the report. Arguments have been heard in the application and orders in the same have been reserved along with the main suit. The Defendant No.1 apprehends that the Commission's report would not be taken into consideration, hence the present petition. Ld. Counsel for the Plaintiff submits that the court has reserved orders on the application so there is no ground to entertain this petition.

4. Heard Ld. Counsels for the parties. The Nanavati Commission Report is a report which is available in the public domain and the same is downloadable even from the website of the Ministry of Home Affairs. It is, in effect, an official document. Thus, a downloaded copy of the said report or even a certified copy can be read in evidence under Sections 78 & 79 of the Indian Evidence Act, 1872. The apprehension of Defendant No. 1 is not founded on any valid ground as the Trial Court would obviously take into consideration any part of the said report, which the Defendant No.1 wishes to rely upon and place before the Court. The Trial Court would consider the said report or extracts therefrom relied upon by Defendant No.1 in adjudicating the various issues, which arise for consideration.

5. The matter is stated to be listed tomorrow i.e. 31st January, 2020. Ld. counsels for the parties to appear before the Trial Court tomorrow and address their submissions, if any, in respect of the said report. Considering

the medical condition of the Plaintiff, the Trial Court is requested to dispose of the matter expeditiously, if possible, within a period of 15 days from today. Ld. counsels for the parties will conclude their arguments tomorrow itself and no further opportunity shall be granted.

6. The present petition along with the pending applications is disposed of with these observations.

7. Copy of the order be given *dasti* under signature of the Court Master.

PRATHIBA M. SINGH, J.

JANUARY 30, 2020/dk