

OD-3

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/37/2026
ARUN DHRUV TRIPATHI
VS
RISHI BARUI ALIAS KRISHNAPPA MURTY AND ANR.
.....

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date : 15th June, 2026.

Appearance:
Mr. Nirmalya Dasgupta, Adv.,
Ms. Debobeen Mukherjee, Adv. ...for plaintiff.

The Court : The plaint has appeared in the list for presentation wherein the plaintiff sues the defendant for damages on account of defamation alleging that his image and reputation has been lowered in the eyes of right thinking men due to certain posts being made by the defendant. In the cause title the plaintiff is shown as a resident of United States of America (in short, USA) and also resides at Goutam Buddha Nagar, Uttar Pradesh – 201306.

The plaintiff has tried to invoke the jurisdiction of this court on the ground that the post made by the defendant no.1 expressly targets the city of Kolkata as the geographical focus and, as such, this court has the jurisdiction to receive, try and determine the suit.

A suit for damages including that for defamation is governed by the provisions of Section 19 of the Code of Civil Procedure, 1908 (in short, CPC). The said Section provides for two jurisdictions. If the

wrong was done within the local limits of the jurisdiction of one Court and the defendant resides or carries on business, or personally works for gain within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the Court. Applying such provision in the context of the provisions of Clause 12 of the Letters Patent, 1865 which gives jurisdiction of this Court, the plaintiff in order to avail the option available under Section 19 read with the provisions of Clause 12 of Letters Patent, 1865 has to show that damages has been suffered by the plaintiff due to the impugned post within the jurisdiction of this Court and not by only stating that the impugned post has been targeted at Kolkata as its geographical focus. The plaintiff though has stated that he is the Chief Executive Officer of Raksha Marketing LLC and is also associated with the Neelu agency LLC, a licensed insurance agency of USA with offices at 375, 5th Avenue, 4th Floor, New York, NY 10016 but has not provided with any separate address of Raksha Marketing LLC. The suit has not been framed by stating that the plaintiff is working for gain at Kolkata where due to the impugned post he has suffered any damages but provides that the plaintiff stays in USA and at Uttar Pradesh. It also appears from the plaint that a criminal proceeding between the parties is presently pending before the learned Chief Judicial Magistrate at Alipore arising out of an FIR bearing no.98 of 2025 dated 24th July, 2025 lodged in the Police Station at Alipore. In absence of such averment even leave under Clause 12 cannot be granted to invoke the jurisdiction of this Court.

On the basis of these averments when the question of jurisdiction of this court to receive, try and determine the suit has fallen for consideration, the learned advocate for the plaintiff, on instruction, prayed for withdrawal of the suit along with the court fees for being presented before the appropriate forum.

The plaint has not entered the records of the court for the purposes of instituting the suit as the same will only take place on the plaint being admitted on presentation thereof. The plaint has been only filed in the Central Filing Department of this Court for which the number has been allotted to it.

In the aforesaid facts and circumstances, prayer of the plaintiff made through his advocate is allowed. The plaint is directed to be returned along with court fees to be presented before the appropriate forum in accordance with law. This direction for return should not be construed to be one under the provisions of Order 7 Rule 10 of the CPC as the said provision becomes applicable only after the institution of the suit.

The department shall return the plaint along with the court fees to the plaintiff after completion of all formalities. The suit number on the return of the plaint should be de-registered from the database of this court so that the same is not shown to be pending.

(ARINDAM MUKHERJEE, J.)