



2025:DHC:7075



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CS(OS) 845/2024**

Date of Decision: 06.08.2025

IN THE MATTER OF:**DR SHAMA MOHAMED**

ANAND LOK, NEW DELHI-110049

.....Plaintiff

*(Through: Mr. Abhik Chimni, Mr. Omar Hoda, Ms. Eesha Bakshi,
Ms. Pranjal Abrol and Mr. Gurupal Singh, Advs.)*

versus

SMT SANJU VERMA53-OCEAN CREST, 85
WARDEN ROAD, BREACH
CANDY, MALABAR HILL
AREA, MUMBAI -400026

.....Defendant No.1

**NETWORK-18,MEDIA &
INVESMENT LTD THROUGH
HEAD LEGAL COUNSEL AT
FIRST FLOOR EMPIRE COMPLEX
414 , SENAPATI BAPAT MARG,
LOWER PAREL MUMBAI
MAHARASHTRA. 400013**

.....Defendant No.2

**X CORP, (FORMERLY
TWITTER) THROUGH ITS
DIRECTOR**121, 8TH FLOOR, THE
ESTATE,
DICKENSON ROAD,
BENGALURU.

.....Defendant No.3



GOOGLE LLC
INDIA LIAISON OFFICE,
UNIT NO. 26, THE
EXECUTIVE CENTER,
LEVEL- 8, DLF CENTRE,
SANSAD MARG,
CONNAUGHT PLACE,
NEW DELHI-110001

.....Defendant No.4

*(Through: Mr. Raghav Awasthi, Ms. Simran Brar and Mr. Fatehh Singh Majithia, Advs for D-1.
Mr. Mrinal Bharti, Mr. Santosh Kumar and Mr. Swapnil Srivastava, Advs for D-2.
Mr. Deepak Gogia, Mr. Aadhar Nautiyal and Ms. Shivangi Kohli, Advs for D-3.
Mr. Neel Mason, Ms. Pragya Jain and Ms. Surabhii Katare, Advs for D-4.)*

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

I.A. 48471/2024 (BY DEF. 1- ORDER VII, R 10 & 11)

1. Heard learned counsel for the parties on the instant application, which has been filed on behalf of defendant no.1, invoking the provisions of Order VII Rule 10 of the Code of Civil Procedure, 1908 (CPC).
2. Mr. Raghav Awasthi, learned counsel for defendant No. 1, has taken this Court through paragraphs Nos. 17 and 18 of the plaint and contends that cumulative reading of both the paragraphs would indicate that no cause of action has arisen for the plaintiff to institute the instant civil suit. He further states that no jurisdiction arises for this Court to entertain the same.
3. Mr. Awasthi has also drawn the attention of the Court to the affidavit



filed by the plaintiff, wherein it was averred that the plaintiff is a resident of Kerala. He submits that, as per the memo of parties in the plaint, the plaintiff is stated to be a resident of Delhi, whereas the affidavit executed subsequent thereto indicates that the plaintiff is a resident of Kerala. Mr. Awasthi contends that such glaring inconsistencies in the pleadings are wholly unacceptable and render the plaintiff's case untenable. To substantiate his position that this Court does not have the requisite territorial jurisdiction to adjudicate this matter, learned counsel has placed reliance of the decisions of this Court in the cases of *Escorts Ltd. v. Tejpal Singh Sisodia*¹, and *Arvind Kejriwal v. State*².

4. Moreover, Mr. Awasthi referred to paragraph 76 of the decision in *Arvind Kejriwal* and paragraphs 33 and 34 of the decision in *Tejpal Singh Sisodia* to contend that, in light of the principles enunciated therein and the circumstances outlined, the instant civil suit deserves to be dismissed. In the alternative, he submits that the plaint ought to be returned under Order VII Rule 10 of the CPC, 1908, for presentation before the Court of competent jurisdiction.

5. The aforesaid submissions are strongly opposed by Mr. Abhik Chimni, learned counsel who appears for the plaintiff.

6. Mr. Chimni, at the outset, submits that on account of some inadvertent error, the affidavit states that the plaintiff resides in Kerala; however, according to him, the documents which have been filed along with the plaint unequivocally state that the plaintiff is also a resident of Delhi. He has also submitted that in the memo of parties, the residence of the plaintiff is shown

¹2019 SCC OnLine Del 7607

²2024 SCC OnLine Del 6103



to be in Delhi at Anand Lok, New Delhi-110024. He further contends that the affidavit also mentions that the plaintiff presently resides at Delhi, and thus, to that effect, there is no inconsistency on the aspect of territorial jurisdiction of this Court.

7. He further contends that the defendants no.3 and no.4 which are amplifying the said defamatory content have a presence within the territorial jurisdiction of this Court. Furthermore, he contends that in paragraph 18 of the plaint, the specific averments that the plaintiff is a resident of Delhi, and the defamatory content are accessible and injuring her reputation, are made. It is thus, for the reasons elaborated in paragraph 17 and 18, that the jurisdiction of this Court has been invoked.

8. Mr. Chimni, further submits that the scope of the instant application is to be confined to the plaint and the documents relied on by the plaintiff alone. On the anvil of this position, he draws the attention of the Court to Document No. 4 to indicate that the defamatory statement has been further amplified by various people and in view of the same, the general public has been privy to the insult and damage to the reputation of the plaintiff. He contends that a bare perusal of the said document would indicate that in the eyes of public, including in Delhi where the plaintiff is ordinarily a resident of, the plaintiff's reputation has been lowered. He, therefore, contends that the instant application seeking the rejection of the plaint is bereft of any merit, and the same deserves to be dismissed.

9. Additionally, Mr. Chimni has relied upon paragraph No. 34 of the decision in **Tejpal Singh Sisodia** and submits that in view of the plaintiff being a resident within the jurisdiction of this Court, there is no reason as to why he should be directed to approach any other Court.



10. He additionally contends that in the instant case, the cause of action has arisen at various places; however, since the plaintiff resides in the jurisdiction of this Court, the instant civil suit has been instituted here.

11. I have considered the aforesaid submissions made by learned counsel for the parties and have perused the record.

12. In order to appreciate the controversy at hand, the paragraph no.17 of the plaint, which relates to cause of action is extracted as under:-

“CAUSE OF ACTION

17. That the cause of action to file the instant Suit arose on 20.08.2024 when Defendant No. 1 made the aforementioned defamatory statements against the Plaintiff, on the show organised by Defendant No. 2. The said debate was shared by various third parties who began to share the said defamatory statements against the Plaintiff on Defendant No. 3 and 4 social media platforms. This defamatory material continues to be in public domain causing continuous damage and harm to the reputation of the Plaintiff. The cause of action is continuing and the suit is not barred by limitation.”

13. A bare perusal of the plaint would indicate that the cause of action arose on 20.08.2024, when, defendant No. 1 made the alleged defamatory statements against the plaintiff, on the show organized by defendant No. 2. The said debate was shared by various third parties, who began to share the said alleged defamatory statements against the plaintiff on the social media platforms operated by defendant Nos. 3 and 4.

14. It is further stated that this alleged defamatory material continues to be in the public domain causing continuous damage and harm to the reputation of the plaintiff. In view thereof, the plaintiff submits that the cause of action is continuing and the suit is not barred by limitation.

15. If the aforesaid recital is perused in right perspective, it appears that the plaint on the face of it fulfils the necessary ingredients of the pleadings



as required under Order VI and Order VII Rule 1(e) of the CPC.

16. Additionally, the communications which have been placed on record would *prima facie* indicate that the third parties had begun to share the said defamatory statement against the plaintiff.

17. For the purpose of relief of damages, the plaintiff would be required to adduce oral and documentary evidence to satisfy her claim, but at this preliminary stage, where the controversy pertains only for the purpose of adjudicating the maintainability of the suit, the averments made in the plaint would suffice as it fulfils the necessary ingredients enshrined in the CPC.

18. It is, thus, seen that the cause of action has arisen in the instant case to institute the civil suit.

19. So far as, the objections with respect to jurisdiction is concerned, it is pertinent to peruse paragraph 18 of the plaint which reads as under:-

“JURISIDCTION

18. That the Plaintiff is a resident of Delhi. She accessed the defamatory content that are available on social media platforms of Defendant No. 3 and 4 while she was in Delhi and as such, the defamatory contents are visible on the internet within the jurisdiction of this Hon'ble Court.”

20. With respect to the controversy as to whether the plaintiff is a resident of Delhi or otherwise, a perusal of the memo of parties, paragraph 18 of the plaint and other documents as presented alongwith plaint would indicate that the plaintiff is a resident of Delhi itself. On the purported inconsistency with respect to the contents of the plaint and the affidavit of the plaintiff, the same seems to be that the plaintiff has residences both in Delhi and in Kerala and that the affidavit mentioned both. But when the affidavit is considered in the right perspective, the same also mentions that the plaintiff also resides at Delhi. Additionally, the plaintiff has also brought on record



various documents including the lease deed etc. to indicate that the plaintiff is residing in Delhi.

21. Civil defamation is a tortious wrong whereby a person makes a false imputation having the tendency to diminish another's reputation in the estimation of right-minded members of society. This Court in the case of ***Abhijeet Mishra v. WIPRO***³ and ***Ruchi Kalra v. Slowform Media Private Limited***⁴ has compendiously dealt with legal position revolving around the defamation including the context of cyberworld.

22. In the civil suit for defamation, the plaintiff essentially seeks for the damages for wrong being to his/her reputation in the eyes of right-minded members of the society. In the suit for compensation for the wrong done to the plaintiff, Section 19 of the CPC, 1908 plays a quintessential role in delineating the choice of forum wherein the plaintiff can institute his/her claim. For the sake of convenience, Section 19 CPC reads as under:-

19. Suits for compensation for wrongs to person or movables.—
Where a suit is for compensation for wrong done to the person or to movable property, 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 said Courts.

23. A bare perusal of the Section 19 would indicate that in the suits for compensation, the plaintiff has the option to institute the suit before the Court, wherein the wrong was done or where defendant resides, or carries on business, or personally works for gain. This option at the behest of the plaintiff assumes greater significance when tested on the anvil of the

³ 2025 DHC 5678



jurisprudential horizon of the cyber defamation, wherein, a whisper on the internet can resonate like thunder.

24. In this aforesaid context, reference can be made to the decision of **Tejpal Singh Sisodia** wherein this Court examined that within the framework of the Section 19 CPC, whether, in cases involving cyber defamation, a plaintiff possesses the latitude to institute proceedings against a defendant in any Court across India. Pursuant thereto, the Court held that even in instances of cyber defamation where the alleged wrong permeates territorial boundaries, the jurisdictional net cannot be cast so wide as to render the provisions of Section 19 otiose. The Court observed that such an expansive interpretation would foster pernicious practices like “court shopping” and “libel tourism”. The relevant paragraphs of the decisions read as under:-

“33. I have wondered, that if such is the plea, whether a plaintiff in a suit for compensation for defamation by publication on internet, has an option under Section 19 of the CPC to sue the defendant anywhere in India.

34. In my opinion, no. Section 19, while vesting an option in plaintiff, only envisages, wrong done in jurisdiction of one Court and defendant residing in jurisdiction of another Court. Merely because, with the advent of trade and commerce, wrong done to the plaintiff can be across the country, cannot expand/widen the option vested under Section 19 in the plaintiff. Reading Section 19 so, would render it arbitrary, vesting an unguided option, capable of misuse in one of the parties to the lis i.e. the plaintiff and lead to “court shopping” and “libel tourism”. There is thus a need to construe/apply Section 19, in such situations, reasonably, so as not to put a plaintiff in such a suit, in a position disadvantageous to the defendant.”

25. However, in delineating the contours of jurisdiction in defamation cases, wherein the wrong is inflicted upon the person, the Court, in the



succeeding paragraph, observed that the tort of defamation ordinarily materializes at the place of the residence of the plaintiff. In such instances, a mere averment of publication, devoid of a specific plea detailing the “wrong done” or particulars of the individuals in whose esteem the plaintiff's reputation has diminished, may suffice. The Court further noted that where a plaintiff elects to invoke the jurisdiction of an “unnatural” forum, namely, a Court in a place where the plaintiff does not reside, the plaint must imperatively incorporate specific averments of the wrong occasioned within that jurisdiction, furnishing particulars of the persons therein whose regard for the plaintiff has been impaired, and/or the loss or damage sustained thereby. Paragraph no. 35 of the said decision reads as under:-

“35. In my opinion, wrong by defamation, ordinarily would be done to a natural person, at the place of his residence, where he/she has a reputation and to an artificial person as a corporation/company, at the place of registered office of the corporation/company. In such case, the Court of the place of which a person is residence of or where the corporation/company has its registered office, would be a natural court which would have jurisdiction and in a suit instituted at such place, averment of publication without even a specific plea of ‘wrong done’ with particulars of the persons in whose esteem the plaintiff has fallen may suffice. However, where a plaintiff in a suit for defamation, chooses to invoke the jurisdiction of an unnatural place i.e. a place of which that person is not a resident of and/or if a corporation/company in which it does not have its registered office, to invoke the jurisdiction of that Court, the plaint has to necessarily contain specific pleas of wrong done within the jurisdiction of that Court, by giving particulars of the persons in that jurisdiction, in whose esteem the plaintiff claims to have fallen and/or the loss or damage suffered.”

26. It is necessary to further note that in paragraphs 43, 46, and 47 of the decision in **Tejpal Singh Sisodia**, the principles on jurisdiction on defamation suits, particularly where the alleged defamation spans multiple jurisdictions, as is often the case with a natural person of public stature, is



provided. Paragraph 43 clarifies that, in such instances, the jurisdiction for instituting a suit for defamation lies primarily with the Court where the maximum harm or wrong is occasioned, unless the plaintiff specifically pleads that the harm suffered at the chosen forum is minimal compared to that in another jurisdiction where their business interests predominantly lie.

27. However, paragraphs 46 and 47 expound that, in a suit seeking compensation for defamation, as in the present case, the plaintiff is vested with the discretion to institute proceedings either in the Court within whose jurisdiction the wrong was committed, or where the defendant resides or carries on business, as provided under Section 19 of the CPC, 1908. Nevertheless, the Court noted that this option is not available to a plaintiff where the defamatory wrong is suffered within the same jurisdiction as that where the defendant resides or conducts business. The relevant portion of the said decision is extracted as follows:-

“43. I may further state that even in cases where the wrong done by the defamation is spread out across several jurisdictions, as would be the case with respect to a natural person enjoying a public stature and in the case of a company/corporation having business interest across several jurisdictions, in my opinion, the jurisdiction even then for institution of a suit for defamation would be of a Court where the maximum wrong is done and which generally in the case of a company/corporation would be the place where the registered office of the company/corporation is, unless it is pleaded that at the place of registered office wrong done is minuscule in comparison to wrong done at another place where the business interest largely is.

46. There is another aspect. Section 19 vests a plaintiff in a suit for compensation for defamation with an option to sue in either of the Courts i.e. where the wrong is done or where the defendant resides/carries on business, only when the two are different. This is clear from use of the words “....if the wrong was done within the local limits of jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of jurisdiction of another Court”. However this option would not be



available to a plaintiff, wrong to whom by defamation is done within the jurisdiction of same Court within whose jurisdiction the defendant resides. It will not be open to such a plaintiff to contend that wrong has been done to him/it, also within the jurisdiction of another Court. I repeat, Section 19 vested option only in plaintiff for a situation where no wrong is done where defendant resides. If wrong is done where defendant resides, there is no option but to sue where defendant resides.

47. It is not the case of plaintiff that it has no reputation in Udaipur or no wrong has been done to it at Udaipur. In fact the wrong done, if any, would be maximum at Udaipur where, both plaintiff as well as defendant would be known. The plaintiff, by pleading wrong done across the globe, has rather admitted wrong done at Udaipur.”

28. At this juncture, reference can also be made to the decision of this Court in the case of **Ajay Pal Sharma v. Udaiveer Singh**⁵, wherein while relying on the **Tejpal Singh Sisodia** the Court held that if the wrong, which the plaintiff claims to be aggrieved, was done within the jurisdiction of various Courts, one of which is the Court within whose jurisdiction the defendant resides, or carries on business, or personally works for gain, the suit would necessarily have to be instituted in that Court.

29. A comprehensive reading of the aforementioned paragraphs in **Tejpal Singh Sisodia** elucidates the following principles regarding jurisdiction in defamation suits, particularly in the context of cyber defamation, under the framework of Section 19 of the CPC, 1908:-

- a. In cases of cyber defamation, the cause of action may arise across multiple jurisdictions due to the widespread dissemination of the alleged defamatory content. However, the multiplicity of jurisdictions in which the cause of action arises does not confer upon the plaintiff an unfettered right to initiate proceedings in any or all such jurisdictions. Under Section 19,



the plaintiff has the option to sue where the wrong has been done which is generally at the place of his/her residence whereby the reputation of the plaintiff is affected.

- b. However, in cases wherein the wrong was done in the same jurisdiction wherein the defendant resides than the plaintiff has no option other than to institute the suit wherein the defendant resides.
- c. Where the plaintiff avers that the maximum harm or damage was suffered in a particular jurisdiction as compared to different jurisdictions wherein wrong was done, that place shall ordinarily be considered the appropriate territorial jurisdiction for instituting the suit.
- d. Ordinarily, the maximum damage in defamation cases is presumed to occur at the place where the plaintiff resides or, in the case of a company, where it is headquartered, unless the plaintiff explicitly states otherwise.
- e. However, in cases wherein maximum reputational harm occurred at some place else and defendant resides in another jurisdiction, then by virtue of Section 19 CPC, the plaintiff has the option to choose forum as per choice.

30. In the present case, the plaintiff has specifically averred that she is a resident of Delhi, while also stating that she also has residence in Kerala. She has specifically pleaded that she became aware of the defamatory content in Delhi, that such content is accessible within the jurisdiction of this Court, and that it has been viewed by thousands of individuals, including



within Delhi. Considering that the plaintiff resides in Delhi, therefore, it may be reasonably inferred that the content, being in the public domain, is accessible everywhere, including within this territorial jurisdiction of this Court, therefore it may have caused potential harm to the reputation of the plaintiff.

31. A detailed determination of where the content is perused, or where the actual maximum reputational harm has arisen or whether the plaintiff suffered the reputational harm where the defendant resides is a matter for Trial and cannot be conclusively adjudicated at this stage under Order VII Rule 11 CPC. At this stage, the averments in the plaint are to be treated as gospel truth and on this basis, the Court is satisfied that the *prima facie* ingredients for invoking its territorial jurisdiction are met, as the plaintiff has asserted her residence within the jurisdiction of this Court and potential damage to her reputation, was made. Accordingly, she is entitled to institute the present suit here.

32. If the defendants seek to establish that the maximum damage occurred elsewhere, that the plaintiff is in fact resident outside Delhi, or that the cause of action arose where any of the primary defendants reside, such contentions may be raised and adjudicated during the course of Trial, including by way of preliminary issues, if so permitted. At stage of Order VII Rule 11 CPC, a full fledged mini-trial cannot be started by the Court that would transcend the well-established civil law principles of procedure dealing with the civil suits.

33. With respect to the documents relied upon by the plaintiff, the Court refrains, at this stage, from rendering any finding on their admissibility, including the objection raised under Section 65B of the Evidence Act. The



question of admissibility shall be determined at the appropriate stage of trial.

34. Having considered the overall factual matrix and the stage of the proceedings, the Court finds no ground at present to reject the plaint. The issues raised by the defendants pertain to matters that are to be examined during Trial and cannot form the basis for rejection of the plaint under Order VII Rule 11 CPC at this stage.

35. Accordingly, the application stands dismissed.

CS(OS) 845/2024 and I.A. 42959/2024, I.A. 48473/2024, I.A 19074/2025

36. It is submitted that I.A. 42959/2024 and I.A. 48473/2024 are interlinked. In I.A. 42959/2024, injunction is prayed and ex-parte ad-interim injunction is granted in favour of the plaintiff. However, in I.A. 48473/2024, Mr. Awasthi has prayed for vacation of *ad-interim ex-parte* injunction.

37. Therefore, both the applications are to be heard analogously.

38. The parties shall be at liberty to file brief note of their submissions, if not already filed, as to why the injunction should be granted or continued.

39. List this matter on 18.08.2025 for consideration of the aforesaid applications.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

AUGUST 6, 2025/aks/sph