

Misc (J) Case No. 1130/2024

Title Suit No.641/2024

04.01.2025

IN THE COURT OF CIVIL JUDGE (SR.DIV) NO-1,
KAMRUP(M), GUWAHATI

Present: Shri Nur Jamal Haque, LLM, AJS
Civil Judge (Sr.Div) No-1,
Kamrup(M), Guwahati

1. Both parties are represented. The O.P. has filed Petition No. 119/25, requesting an adjournment to submit a written objection.
2. The request has been heard and reviewed. Considering all aspects, the prayer is granted.
3. Petition No. 126/25 has been submitted by the petitioner under Section 151 of the CPC, seeking an order of injunction to prevent the O.P. from making any publications or posts against the petitioner, or related to the ongoing court proceedings, on any public forums, social media platforms, or electronic media until Misc. Case No. 1130/24 is resolved.

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

4. A copy of Petition No. 126/25 has been duly provided to the learned Counsel for the O.P.
5. Both sides have been heard, and Petition No. 126/25 has been reviewed along with the case records.
6. In Petition No. 126/25, the petitioner argues that this Court, in its order dated December 5, 2024, had intended to issue a show cause notice without granting any ad-interim injunction, and the notice was served on the O.P. on December 11, 2024. The petitioner further claims that immediately after receiving the summons, the O.P. began posting additional defamatory statements against her and continued to harass and humiliate her for seeking legal recourse regarding his prior defamatory actions. The petitioner has highlighted the following points: *"i. On 11th December, 2024 he remarked that he was rather excited for a defamatory suit to have been instituted against him.*

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

ii. On the following day that is on 12/12/2024 he stated that he does not really care or give a damn about the case referring to the instant suit.

iii. On 12/12/2024 he made a passing remark presumably aimed at the petitioner contending that she has no reputation/respect besides the value of her post.

iv. On 14/12/2024 he again made defamatory post questioning the qualification of the petitioner an her LLB degree. On the same date that is on 14/12/2024 the opp. party makes reference to the affidavit filed alongwith the plaint to suggest that the petitioner had lied about her age.

v. On 15/12/2024 the opp. party referred to the averments made in the plaint concerning the credentials of the petitioner and tried to make a mockery of it. On the same day he made a post contending that the petitioner is conspiring alongwith her husband to trap the opp. party in a drugs case.

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

vi. On 16/12/2024 he again referred to averments made in the plaint and made it a subject of ridicule by drawing comparisons with other IAS Officers.

vii. On 17/12/2024 the opp. party once again by drawing references from the averments made in the plaint criticised the opp. party for having taken credit for the awards that she had received during her tenure.

viii. On 18/12/2024 the opp. party again tried to find fault with the assertions of the plaintiff made in the plaint regarding her accomplishments.

ix. On 21/12/2024 the opp. party reiterated the fact that no injunction was granted in favour of the petitioner restraining the opp. party from posting about the petitioner in various social media platforms. And as such he declared himself the winner of the warm up match without even appearing before this Hon'ble Court.

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

x. On 24/12/2024 the opp. party had again raised questions about how she was posted in Nalbari at the time of election. Further on the same date the opp. party threatened the petitioner indirectly by posting "Will not spare! Be ready!"

xi. On 26/12/2024 the opp. party have went ahead and raised questions about the age of the petitioner. On the same date the opp. party had even posted that the petitioner does not deserve to hold onto the post of District Commissioner of Nalbari by playing woman Trump Card.

xii. On 02/01/2025 the opp. party posted a question as to even after having Commissioner and Secretary which IAS Officer is still holding the post of DC? Thereafter he went on to classify the ranks of the Officers in that particular post.

xiii. On 03/01/2025 the opp. party had posted another post stating that promotions of the IAS Officers are carried out in a time bound manner. All the IAS Officers of the 2009 batch

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

were promoted yesterday. In the said post the opp. party further stated that a few portals forecasted the news about the promotion of a controversial IAS Officer in such a manner as if the Government had given her an award."

7. It is further asserted that the Opposing Party (O.P.) has compromised the integrity of the proceedings before this Court by making a mockery of its authority. In a post dated December 21, 2024, the O.P. declared himself the winner of the warm-up match based on the absence of an injunction. Additionally, it is alleged that the O.P. has disseminated numerous derogatory posts regarding the petitioner's promotion. In light of these circumstances, the petitioner respectfully requests the Court to issue an order of injunction restraining the O.P. from publishing any materials or posts that are detrimental to the petitioner in connection with the Court proceedings.

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

8. The learned Counsel representing the petitioner ardently argued that the publications made by the O.P. appear to be a continuation of prior derogatory posts made on social media. The Counsel further posited that these publications infringe upon the petitioner's personal right to privacy. Although the petitioner serves as the Deputy Commissioner of Nalbari District and is subject to public scrutiny regarding her personal life, the O.P. commenced his criticisms only after the Court denied the petitioner's request for an injunction. The comments made by the O.P. are deemed derogatory and are perceived as an attempt to undermine the dignity of the Court proceedings.

9. Conversely, the learned Counsel for the O.P. argued vigorously that the O.P. has not employed any derogatory language against the petitioner. The Counsel contended that, at this stage, the Court should refrain from issuing an injunction

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

against the O.P. until the O.P. has submitted a written objection.

10. In consideration of the submissions presented to this Court by the opposing parties, the Court has conducted a thorough examination of the pleadings on record. It has determined that the Opposing Party (O.P) engaged in a form of publication immediately following the Court's decision to deny the request for an ad-interim injunction and to issue notice to the O.P. The publication made by the O.P on social media, specifically Facebook, appears to relate to the personal life and liberty of the petitioner. Furthermore, the O.P has asserted that he achieved victory in a warm-up match subsequent to the Court's refusal to grant the ad-interim injunction. This indicates that the O.P has made disparaging remarks against the petitioner.

11. The Court will rigorously assess all allegations made by the O.P against the petitioner during the trial of the suit filed by

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

the petitioner, which alleges defamation. The O.P may present a defense based on the veracity of the allegations, which will be adjudicated in the original suit. Nevertheless, the nature of the allegations made by the O.P is undoubtedly derogatory and likely to diminish the petitioner's standing within the community. In light of this context, the Court finds a strong prima facie case against the O.P. Should the O.P be permitted to continue making publications on social media regarding the petitioner, it is the petitioner who stands to face significant inconvenience. Additionally, if the Court does not issue an order for an ad-interim injunction against the O.P, the petitioner risks incurring irreparable harm that cannot be quantified in monetary terms. The ramifications of such allegations cannot be easily measured, as they pertain to the personal reputation of the individual holding the position of Deputy Commissioner, Nalbari.

Misc (J) Case No. 1130/2024**Title Suit No.641/2024****04.01.2025**

12. In light of the foregoing discussion, the Court recognizes that the O.P continues to make comments concerning the personal affairs of the petitioner. Should he be allowed to proceed, it will render the purpose of the suit ineffective and may lead to the emergence of multiple legal proceedings.
13. Under the prevailing circumstances, the Court asserts that the three fundamental principles for granting an injunction favor the petitioner. Consequently, the petitioner is entitled to receive an order of ad-interim protection against the O.P at this juncture.
14. Accordingly, an order of ad-interim injunction is hereby granted against the O.P, prohibiting him from making any comments about the petitioner on any social media platform until such time as the O.P files his written objection before this Court.
15. This order shall remain in effect until the O.P submits his written objection.

Misc (J) Case No. 1130/2024

Title Suit No.641/2024

04.01.2025

16. The O.P is hereby directed to file a written objection without fail by the next scheduled court date.

Fixing 24/2/2025 for objection.

Civil Judge (Sr.Div) No.1,
Kamrup (M), Guwahati.