

21.11.2024

Present: Sh.Prashant Sharma, Ld. Counsel for plaintiff.

Ms. Goldi Bagri, Ld. Counsel for defendant.

This is an application U/o 7 Rule 11 CPC filed by defendant on the ground that there is no cause of action in this case and there was no publication of defamatory content in respect of plaintiff. Further, the allegation of defamation are not falling within the definition of defamation as provided in Indian Penal Code/BNS, 2023.

Per contra, reply has been filed and it is submitted that the present application has been filed at a later stage and is false, misuse the process of laws and needs to be dismissed.

Heard. Record perused.

The present suit has been filed for compensation for damages of Rs. 10 lacs on account of defamation along with interest. It is submitted that defendant sent letter dated 14.12.2017 in the name of SHO, Trilokpuri wherein it has been stated that the plaintiff is in illicit relationship with many persons and due to this, she left her husband and went to Dubai.

At this stage, there is sufficient publication of the defamatory article as it was addressed to a third person. Further, there is cause of action in favour of the plaintiff which will be proved during trial as per evidence law and the extent and quantum

of damages to which the plaintiff is entitled will be decided later on. To dismiss a suit at this stage without proper adjudication, would cause prejudice to the plaintiff where the rival contentions of both the parties are to be decided as per evidence adduced. Therefore, **the application u/o 7 Rule 11 CPC is dismissed and disposed off (the expressions herein shall not affect merit of this case).**

Put up for cross-examination of PW1 on **16.01.2025.**

Upon failure, heavy cost shall be imposed.

**(Anil Kumar Paswan)
District Judge-04, East District,
Karkardooma Courts, Delhi
21.11.2024(RK)**