

CS SCJ 283/23

VIKRAM SINGH CHAUHAN Vs. GOOGLE INDIA AND ORS

14.07.2026

Present: Sh. Aryamn Yadav, Ld. Proxy counsel for the plaintiff.
None for the defendant no. 1.
Defendant no. 2 has not been served.
Sh. Himanshu Sethi, Ld. counsel for defendants no. 3, 4, 7 & 8.
Defendant no. 5 has expired.
Sh. Gaurav Dudeja, Sh. Raghvendra Pratap Singh & Sh. Abhijeet Debnath, Ld. counsel for the defendant no. 6 (through VC).
Sh. Kaustubh Srivastava, Ld. Proxy counsel for the defendant no. 9 (through VC).
Sh. R. H. A. Sikander, Ld. counsel for defendants no. 10, 11 & 12.

Matter is listed for orders today at 4:00 PM.

SHRUTI CHAUDHARY
Sr. Civil Judge-cum-Rent Controller
PHC, New Delhi/14.07.2026

At 04:00 PM

Present: None.

1. Matter is listed today for orders on applications u/O 7 Rule 11 CPC filed by the defendants no. 6, 8, 9 & 10 and further on applications u/O 1 Rule 10 CPC filed by defendants no. 1, 10, 11 & 12. Since the objections raised in the applications u/O 7 Rule 11 CPC go to the root of the matter, same shall be adjudicated first and other pending applications shall be dealt with later.

2. The present suit has been filed for damages and permanent injunction sought by the plaintiff against the defendants. It is the case of the plaintiff that he is an advocate by profession and on 15.02.2016 and 17.02.2016, certain unfortunate incidents took place in Patiala House Courts, wherein one Kanhaiya Kumar was involved in certain activities that took place at JNU and said persons alongwith his accomplices were brought to the court for extension of remand. It is stated that due to the politically charged case, certain acts of violence and political hostility took place and pursuant to the same FIRs No. 69/2016 and 75/2016 got registered against unknown persons. It is the case of the plaintiff that the media houses present at the scene took it upon themselves to dispense justice by carrying out a media trial and decided to penalize the plaintiff by publishing, sharing and spreading false information / narrative against the plaintiff by way of wrongful, deliberate acts and with *mala fide* intention to defame, harass and intimidate the plaintiff, causing irreparable damage to the plaintiff's career and maligning the character, reputation and credibility of the plaintiff.

3. It is averred by the plaintiff that the defendants have specifically targeted the plaintiff in their news articles, press releases and debate shows making him a scapegoat, addressing the plaintiff as "gunda lawyer", "hooligan" and "goon". It is stated that the defendants have falsely manipulated the facts of the incident and conveyed to the public that the plaintiff is *per se* involved in criminal activities and still continue to do so by continuously publishing the said debate shows, news articles and press releases on their respective platforms.

4. It is further the case of the plaintiff that in the month of August, 2022, a client of the plaintiff had approached him for engaging him as an advocate to represent him before a court but upon acquiring knowledge of the defamatory material available on social media, said client refused to engage him as an advocate, specifically stating that the plaintiff no longer had decent reputation to represent said client before any court in Delhi. He has further stated another incident in the year 2022, when he contested the elections for the post of Honorary Secretary of NDBA, PHC which he lost only on account of the imputations, defamatory statements / contents published by the defendants with deliberate and maliciously intended calculations to expose the plaintiff to grave prejudice, resulting in defamation and harming the reputation of the plaintiff, lowering the moral, intellectual and professional character of the plaintiff in the estimation of both his personal and profession circle causing unwanted misery, financial loss and loss of reputation.

5. The plaintiff has further stated that a contempt proceedings for violation of order dt. 17.02.2016 passed by Hon'ble Supreme Court of India in WP (Cri) No. 25/2016 was dismissed *vide* order dt. 24.01.2018, however, the defendants held the plaintiff guilty on their own without following due process of law by running a parallel media trial, without any basis when the proceedings were still pending before Hon'ble Supreme Court, out of *mala fide* intentions, political rivalry and influence. Therefore, the plaintiff has filed the present suit seeking the following reliefs against the defendants :-

- a) Direct the defendants to cease and desist from indulging in acts of willful defamation against the plaintiff;
- b) Direct the defendants to take down the defamatory news articles, posts, videos of debate show from their respective platforms which are already in circulation and not to further publish any defamatory content;
- c) Direct the defendants to tender an unconditional apology in writing to the plaintiff;
- d) Pay an amount of Rs. 1/- (Rupees One only) as damages for causing grave loss of goodwill / reputation, loss of opportunities, financial losses, mental harassment and cost of the suit to the plaintiff;
- e) Pass any other and further order as this Hon'ble Court may deem fit and proper upon the given facts and circumstances of the case.

6. Summons of the suit was issued to the defendants, which was served and thereafter WS was filed by defendants no. 6, 8, 9 & 10. In the meantime, defendants no. 6, 8, 9 & 10 have filed four separate applications u/O 7 Rule 11 CPC seeking rejection of the suit on, *inter alia*, the ground of limitation. The grounds taken in the said application shall be separately elaborated for the purpose of clarity, however, same shall culminate in a common discussion.

**GROUNDS TAKEN IN APPLICATION U/o 7 RULE 11 CPC FILED BY
DEFENDANT NO. 6.**

7. The defendant no. 6 seeks rejection of the suit on the following grounds:-

i) Suit is barred by limitation. It is stated that since the broadcasts / publications took place in the year 2016, according to Articles 75 & 76 of the Limitation Act 1963, the time limit for filing a suit seeking compensation for libel or slander is one year and therefore the limitation period for filing the present suit expired in the year 2017 itself whereas the suit has been filed only in the year 2023.

ii) Plaintiff does not disclose any cause of action against the defendant no. 6. It is stated that the plaintiff has failed to disclose any material fact in relation to the subject matter of the suit and the averments made in the plaint qua defendant no. 6 are vague and ambiguous. It is stated that the plaintiff has failed to file even a single document showing his reputation prior to February, 2016 or show that the online material complained of by the plaintiff was the reason for the plaintiff losing an election.

iii) Plaintiff has filed the suit with an ulterior motive to gain advantage in criminal proceeding pending against the plaintiff. It is further stated that the plaintiff has only relied upon screenshots taken from Google and YouTube, without relying upon the contents of the article or transcript of any discussion. Therefore, it is stated that the suit of the plaintiff is misleading and is liable to be dismissed / rejected.

**GROUND TAKEN IN APPLICATION U/o 7 RULE 11 CPC FILED BY
DEFENDANT NO. 8.**

8. The defendant no. 8 seeks rejection of the suit on the following grounds:-

- i) Suit is barred by limitation. It is stated that under Article 75 of the Limitation Act 1963, a suit seeking compensation for defamation is to be filed within one year from the date of publication of the libel complained of, which has not been done in the present case.
- ii) No cause of action against defendant no. 8. It is stated that the plaintiff has failed to disclose any material fact or particular defamatory portion from the telecast or specify

any defamatory word from the entire telecast, making his plea vague.

iii) Concealment of material facts. It is stated that the plaintiff has concealed the fact that the subject matter of the present suit has already been a subject matter of numerous complaints filed by / against the plaintiff before several forums, in which trial is pending. Therefore, it is submitted that the present suit is liable to be rejected.

iv) It is stated that the present suit has been filed as a counter blast, in order to tame the defendants. It is further stated that no part of the cause of action arose within the territorial jurisdiction of the present court and therefore this court does not have the jurisdiction to try the present suit.

**GROUND TAKEN IN APPLICATION U/o 7 RULE 11 CPC FILED BY
DEFENDANT NO. 9.**

9. The defendant no. 9 seeks rejection of the suit on the following grounds:-

i) Suit is barred by limitation as the publications took place in 2016 and the statutory period for filing the suit expired in the year 2017.

ii) The plaintiff has only vaguely referred to the news reports without stating what is false in the said news reports. The plaintiff does not plead the exact words / utterances claimed to be defamatory, which is a fundamental requirement in a defamation suit. The plaintiff has claimed that he lost an election because of the alleged defamatory material online but has failed to show that there existed any person who did not vote for him because of the online material complained of.

ii) The plaintiff has failed to rely upon a single document showing his reputation prior to February, 2016. It is further stated that the plaintiff has valued his loss of reputation and professional standing at Re. 1 only, showing that the present suit is trivial in nature and does not merit the time of this court.

iv) It is stated that the plaintiff has gone out of his way to find the publications at issue by entering specific key search terms on Google and YouTube and has not annexed any material suggesting that the said publication are widely available or republished with specific intent to cause harm.

v) It is further stated that the certificate u/s 65-B IEA filed by the plaintiff is deficient as it

only specify the generic model of the laptop and printer used by the plaintiff and does not identify any unique serial number of the electronic devices which have been used. It is further stated that the present suit lacks merit and is an abuse of the process of law filed in order to stifle legitimate journalism and deter the defendant no. 9 from exercising her constitutionally protracted right to freedom of expression and therefore the present suit is liable to be rejected for lack of material particulars necessary to substantiate a cause of action against the defendant no. 9.

**GROUND TAKEN IN APPLICATION U/o 7 RULE 11 CPC FILED BY
DEFENDANT NO. 10.**

10. The defendant no. 10 seeks rejection of the suit on the following grounds:-

i) The present suit does not disclose a cause of action against the defendant no. 10. It is submitted that the present suit has been filed with *mala fide* intention to arm twist the defendant no. 10 and intimidate and harass the defendant no. 10 for unlawful gains and benefits to the plaintiff. It is averred that the plaintiff does not plead the exact words /

utterances claimed to be defamatory and the alleged defamatory material annexed by the plaintiff, stated to be attributed to defendant no. 10 is completely vague. It is stated that no transcript of the videos has been annexed and the photos relied upon by the plaintiff are dim where persons cannot be identified by their face. Therefore, it is stated that the present suit is liable to be rejected.

ii) It is stated that the suit is hopelessly barred by limitation as the publications in question were admittedly published in February, 2016 whereas the present suit has been filed after a lapse of more than 07 years since the said publication.

iii) It is stated that the plaintiff has failed to annexed even a single document evidencing his reputation prior to February, 2016 and that the plaintiff has gone out of his way to find publications in question by entering specific key search terms on Google and YouTube and has not annexed any material suggesting that the said publications were widely available or republished with specific intent to cause harm to his reputation.

iv) It is further stated that the certificate u/s 65-B IEA filed by the plaintiff is deficient as it

only specifies the generic model of the laptop and printer used by the plaintiff and does not identify any unique serial number of the electronic devices which have been used. It is further stated that the present suit lacks merit and is an abuse of the process of law filed in order to stifle legitimate journalism and deter the defendant no. 10 from exercising its constitutionally protected right to freedom of expression and therefore the present suit is liable to be rejected for lack of material particulars necessary to substantiate a cause of action against the defendant no. 10.

11. Before delving into the merits of the case, the relevant law is reproduced herein:-

"Order 7 Rule 11 CPC- Rejection of plaint- The plaint shall be rejected in the following cases:

(a) Where it does not disclose a cause of action:

(b) Where the relief claimed is undervalued and the plaintiff, on being required by the court to correct the valuation within a time to be fixed by the court, fails to do so:

(c) Where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do So:

(d) Where the suit appears from the statement in the plaint to be barred by any law:

(e) Where it is not filed in duplicate

(f) where the plaintiff fails to comply with the provisions of rule 9.

Provided that the time fixed by the Court for the correction of the valuation or supplying of the

requisite stamp-papers shall not be extended unless the court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-papers, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff."

12. At the outset, it is pertinent to mention that if a plaint falls within any of the tenets of order 7 Rule 11 CPC, it is liable to be rejected. At the stage of deciding an application u/O 7 Rule 11 CPC the court is required to confine itself to the averments of the plaint and the documents relied upon by the plaintiff. If, from the statements contained in the plaint itself, the suit appears to be covered by any of the tenets of order 7 Rule 11 CPC, the plaint is liable to be rejected.

13. In the present case, all of the applications filed u/O 7 Rule 11 CPC seek rejection of the plaint on almost similar grounds, however, the most crucial and common ground taken therein is the ground of limitation, which shall be dealt with first.

14. Perusal of plaint shows, in general and specifically at para 7, that the present suit has been filed against the defendants on account of reporting of the alleged incidents that took place in Patiala House Courts, New Delhi on 15.02.2016 & 17.02.2016. The plaintiff has not averred that the defendants have republished the said material or have recirculated the same, which may be covered within the limitation period for filing a suit seeking damages for defamation as stated in Article 75 & 76 of Part VII of Limitation Act, 1963 i.e. one year from the date of publication. The

plaintiff has made a general averment that one of his clients refused to engage him as an advocate in the month of August, 2022 upon acquiring knowledge of the defamatory material available against the plaintiff on social media. Further, the plaintiff has made another vague averment that he lost an election of NDBA, Patiala House Court for the post of Honorary Secretary in the year 2022 only on account of the imputations and defamatory statements / contents published by the defendants. He has not given any particulars regarding the identity of the said prospective client or the date or circumstances in which the alleged refusal took place or the manner in which the alleged publications came into the knowledge of said prospective client. Similarly, no material particulars have been pleaded by the plaintiff to establish the relation between the contents published by the defendants and his alleged electoral defeat.

15. The plaintiff has relied upon certain documents / printouts which shows search results on Google and YouTube, which in the considered opinion of this court, does not serve the purposes of the relief sought in the present plaint. This court is conscious of the fact that material once uploaded on the internet may continue to be accessible through search engines or archived web pages for a considerable amount of time, however, the mere availability or discoverability of such material on the internet does not, by itself, amount to a republication or recirculation so as to give rise to a fresh cause of action each time the said material is accessed. There is a difference between continuing damage from a wrong already done and commission of a fresh wrongful act.

16. In the present case, the plaintiff has failed to show either by averments in his plaint or by documents relied upon by him that a fresh wrongful act of publication or otherwise was committed by any or all of the defendants, which can be covered within the limitation period. Therefore, it appears that the plaint only discloses continuing consequences of the alleged publication that had admittedly taken place several years prior to the institution of the present suit and fails to disclose any legally sustainable fresh cause of action within the period prescribed under the law of limitation. Therefore, a plain reading of the plaint reveals that the plaint is *ex facie* barred by limitation.

17. The defendants have raised several other grounds in their separate applications u/O 7 Rule 11 CPC, however, since this court finds that, on the averments contained in the plaint itself, the suit is barred by the statutory ground of limitation and is liable to be rejected u/O 7 Rule 11(d) CPC, any examination or adjudication of the remaining objections raised in the said applications, is rendered unnecessary as it would merely be an academic exercise.

18. Accordingly, the plaint stands rejected u/O 7 Rule 11(d) CPC being barred by law and all the four applications u/O 7 Rule 11 CPC are allowed and disposed off.

19. Pending applications of defendants no. 1 and defendants no. 10, 11 & 12 u/O 1 Rule 10 CPC and the pending application of plaintiff u/O 39 Rule 1 & 2 R/w 151 CPC stand dismissed as they have been rendered infructuous in light of the above order.

20. Other pending applications, if any, are disposed off accordingly. No order as to costs.

21. File be consigned to Record Room after due compliance.

SHRUTI CHAUDHARY
Sr. Civil Judge-cum-Rent Controller
PHC, New Delhi/14.07.2026