

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2<sup>ND</sup> DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

**M.F.A. NO.8528/2022 (CPC)**



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**BETWEEN:**

1 . RANGA TRILOCHANA BEDI @ R.T.BEDI

... APPELLANT

(BY SRI AJESH KUMAR S., ADVOCATE)

**AND:**

1 . MR. KABIR BEDI

2 . WESTLAND PUBLICATIONS PRIVATE LIMITED  
[AN AMAZON COMPANY]  
HAVING ITS OFFICE  
AT 1ST FLOOR 'A' BLOCK  
EAST WING, PLOT NO.40  
SP INFO CITY, DR. MGR SALAI  
PERUNGUDI, KANDANACHAVADI  
CHENNAI-600 096

REPRESENTED BY ITS  
CEO/WHOLTIME DIRECTOR  
MR. GAUTAM PADMANABHAN. ... RESPONDENTS

(BY SRI S. SRIRANGA, SENIOR COUNSEL FOR  
SMT. SUMANA NAGANAND, ADVOCATE FOR R1;  
SRI DHYAN CHINNAPPA, SENIOR COUNSEL FOR  
SRI CHINTAN CHINNAPPA, ADVOCATE FOR C/R2)

THIS M.F.A. IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 27.09.2022 PASSED ON I.A. NOS.2 AND 3 IN O.S.NO.2968/2021 ON THE FILE OF THE 24TH ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND HOLDING CONCURRENT CHARGE OF XXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (C.C.H.NO.39), REJECTING I.A. NOS.2 AND 3 FILED UNDER ORDER 39 RULE 1 AND 2 OF CPC READ WITH SECTION 151 OF CPC.

THIS M.F.A. HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.01.2024 THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

### **J U D G M E N T**

Heard the learned counsel for the appellant/plaintiff and learned Senior counsels for respondent No.1 and caveator-respondent No.2/defendant Nos.1 and 2.

2. The plaintiff while filing a suit before the Trial Court sought direction to the defendant Nos.1 and 2 to pay the damages of Rs.1,00,00,000/- along with interest at the rate of 24% per annum to the plaintiff for having published

the defamatory statement against the plaintiff in a book named 'Stores I must tell: The Emotional Life of an Actor' by Kabir Bedi and also to retrain the defendants, their agents, executors, distributors, websites, e-business portals or other like agents and others from selling the book and direct the defendant Nos.1 and 2 to forthwith remove the defamatory content published by them from the book and in the event failing to repay the sums due to the plaintiff, to direct the attachment and sale of shares belonging to the defendant No.1 in the defendant No.2-company and grant such other relief as deems fit in the circumstances of the case.

3. The main contention urged in the plaint by the plaintiff is that the plaintiff was engaged in the business of T-Machinery (in the field of mining technology). He has two siblings one of which is the defendant No.1 and he is currently residing in Bengaluru. The defendant No.1 is an Indian Film Actor, whose career has spanned three

continents covering India, the United States of America and Italy among other European countries in three media being film, television and theatre. The defendant No.1 is an eminent film personality throughout the country as well as abroad. The defendant No.2 is a publishing business house in India acquired by Amazon which was earlier a Trent Limited subsidiary and is one of the leading publishing houses in India. Westland Publications Private Limited was incorporated in the year 2016 and is registered at Registrar of Companies, Chennai.

4. The defendant No.1 authored a book named 'Stories I must Tell: The Emotional Life of an Actor' by Kabir Bedi ISBN:9789390679409 ("the book"). The copyright of the book belongs to the defendant No.1. The above mentioned book has been launched and published by the defendant No.2 on 19.04.2021 and is very popular and it is available to public in India and abroad for reading/purchase online. It is stated that plaintiff recently learnt from an

acquaintance that the said book has certain statements made by the defendant No.1 inter-alia making allegations, innuendos against him, his character, his reputation and wanted a clarification to know the truth. The plaintiff was shocked by the same and had the opportunity to peruse the book. In the said book, some of what has been stated by the defendant No.1 is extracted hereunder:

*"7.1) "I've been betrayed the most by people who I trusted the most"*

*7.2) "The most painful of all, my brother Ranga"*

*7.3) "An unexpected official letter in the post led to my discovering what had happened"*

*7.4) "Eventually, I had to file a case of fraud against him in Nelamangala Court near Bengaluru in 2016"*

*7.5) "It was one of the hardest things I've ever had to do"*

*7.6) "I idolised him"*

*7.7) "But that's a story for another time"*

*7.8) "Trust is a perishable commodity, its gold only if it lasts".*

It is contended that the person referred to as "Ranga" in the above said book is the plaintiff, who is the elder brother of the defendant No.1.

5. It is further contended that case of fraud mentioned in the book is a matter from 2016. Two plots of agricultural land were purchased by one Mr. Siddharth Bedi, Son of Kabir Bedi measuring 12 acres 33 guntas (including 30 guntas of Kharab) in Sy.No.50/1 of Kukkenahalli Village and 4 acres 7 guntas (including 7 guntas of Kharab land) in Kodihalli Village. The aforementioned late Mr. Siddharth Bedi died in 1997 leaving behind his mother Ms. Pratima Bedi, defendant No.1 above named and his sister Ms. Pooja Bedi. Thereafter, the aforesaid property was succeeded to by the defendant No.1 and his wife late Ms. Pratima Bedi. As per the last Will and testament of Ms. Pratima Bedi, the plot in Kodihalli Village was bequeathed to her daughter, Ms. Pooja Bedi. Upon inheriting the said plot, by a sale deed in 2005, Ms. Pooja Bedi sold the same to a third Party

for a consideration of Rs.8,00,000/-. It is contended that defendant No.1 inherited the plot in Kukkenahalli Village from his late son, Mr. Siddharth Bedi. The defendant No.1 agreed to sell the plot in Kukkenahalli Village to the plaintiff and after defendant No.1 received the entire sale consideration in 2005, he executed an affidavit admitting the sale thereof and thereafter executed a power of attorney in favour of Ms. U.N. Bedi (since deceased). It is contended that as the defendant No.1 had received the entire sale consideration in 2005 and had admitted receipt of the said sum by executing an affidavit, the said plot of land was converted in April 2007 by the defendant No.1 through his Power of Attorney holder Ms. U.N. Bedi. The rate of both these lands sold by Ms. Pooja Bedi and defendant No.1 were more or less the same, sold at about the same time and the lands are situated close-by and are agricultural in nature.

6. It is contended that the sale consideration received by the defendant No.1 in 2005 remains with him and there is no dispute on this count. A decade after the receipt of sale consideration of the land from the plaintiff, the defendant No.1 filed a suit in O.S.No.227/2016 in the Court of the Senior Civil Judge, Nelamangala which was civil in nature making false claims to which the plaintiff has filed their statement of defence refuting such allegations. In the civil suit, the defendant No.1 has impugned the sale deed executed by him in 2007, despite having received the entire sale consideration in 2005 and which remains with him until this date. It is contended that defendant No.1 sent an e-mail on February, 2020 to the plaintiff stating that "Don't break the deal by asking me for money. Have the magnanimity of elder brother and find a solution that unites us". The defendant No.1 offered to withdraw allegations in the plaint and the plaint itself for a price that is, in the event he was returned a part of the land sold. Therefore, it



is clear that the defendant No.1's motivation to file the civil suit is to resile from the sale and demand property from the plaintiff, which now belongs to him. The defendant No.1 allegations in the plaint are made with an intent to achieve his illegal object and which is to resile from the sale and extract property from the plaintiff. The plaintiff has rejected such an offer.

7. It is contended that the defendant No.1 has suppressed the same in the above referred book and made false and wrongful allegations on the plaintiff's fair name and reputation. It is further contended that the defendant No.1 has conducted a scandalous and defamatory campaign, latest being, the book with an obvious intent to profit and also coerce the plaintiff to submit to his illegal demands. This false, malicious, defamatory campaign is with an intent to profit from the same. It is contended that the plaintiff is having very good reputation and is held in high esteem amongst members at his family, his friends,

business partners and society at large. The intent of publishing/making entirely false statements extracted supra was with a premeditated object of defaming the plaintiff, spoiling his name and damaging his reputation. The defamatory and scandalous statements made by the defendant No.1 in the above referred book are entirely false and the same are published in order to hurt the reputation, image and name of the plaintiff. The motivation to do so by the defendant No.1 is the refusal to submit to his illegal, unlawful demands and claims made in the civil suit and persuaded by him in his e-mail.

8. It is contended that the defendant No.1 has made false statement in the book with the object of increasing its sales, as fiction sells more than facts. The defendant Nos.1 and 2 have joined hands to ensure good sales and profits of the above referred book at the cost of the plaintiff and his reputation. Hence, sought the relief of damages and permanent injunction and inter-alia filed

applications i.e., I.A.Nos.2 and 3 under Order XXXIX Rule 1 and 2 read with Section 151 of CPC. In the application i.e., I.A.No.2, the plaintiff sought for the relief of temporary injunction restraining the defendants or their agents, distributors, websites, e-business portal or other like agents and others from selling the book titled 'Stories I Must Tell: The Emotional Life of an Actor. In the application i.e., I.A.No.3, the plaintiff prayed for an ad-interim order of injunction against the defendants or their agents, distributors, websites, e-business portals or other like agents and others to remove all defamatory statements made against the plaintiff from the book named 'Stories I Must Tell: The Emotional Life of an Actor' by Kabir Bedi.

9. In support of the applications, affidavits are also sworn to reiterating the averments of the plaint. The applications are resisted by both the defendant Nos.1 and 2 by filing separate statement of objections. The defendant No.1 took the contention that the claim made by the

plaintiff claiming damages of Rs.1,00,00,000/- along with interest at 24% per annum for publishing the alleged defamatory statement is false. The statements made against the plaintiff in the book are neither defamatory nor libelous of the plaintiff and the statements made in the book are bona-fide perception of the defendant No.1 about the plaintiff. The defendant No.1 stands by the statements made in the book and truthfulness of the same which are already in public domain. Hence, any statement relating to pending legal proceedings does not constitute defamation. Any order of injunction restraining the defendants from selling the book would violate the fundamental rights guaranteed under Article 19 of the Constitution of India and would also cause substantial financial loss and loss of reputation to the defendant No.1. It is contended that the plaintiff has not approached the Court with clean hands and the present suit is an attempt by the plaintiff to arm twist the defendant No.1 to withdraw the civil suit filed by the

defendant No.1 against the plaintiff and pending before the Court of II Additional Senior Civil Judge and JMFC, Nelamangala. The plaintiff has not made out any prima-facie case for grant of interim order.

10. It is contended that the defendant No.1 is a highly acclaimed cine actor, who has been active in the film, television and theatre for nearly 50 years now. His career has spanned across India, Europe and the United States of America. With the object of providing a close insight into his personal and professional life as an accomplished actor and theatre personality, the defendant No.1 decided to get his autobiography published to coincide with his 75<sup>th</sup> birthday celebrations. The book chronicles his relationship with people who he came across. However, the defendant No.1 shockingly discovered irrefutable and overwhelming evidence of misrepresentation and fraud played by the plaintiff in purchasing the property, to which the defendant No.1 succeeded after the untimely death of

his son and he had filed a civil suit against the plaintiff in O.S.No.227/2016 which is pending consideration. Although, the defendant No.1 could have filed a case for cheating, criminal breach of trust, causing wrongful gain and wrongful loss against the plaintiff; the defendant No.1 did not do so in order to protect the fair name of the family. The defendant No.1, who is the plaintiff in O.S.No.227/2016 contend that sale deed was obtained by the plaintiff for a song through misrepresentation and also by playing fraud on the plaintiff. The plaintiff was ordinarily residing in Mumbai and was frequently traveling abroad for many months. The plaintiff had utmost faith in the defendant and he firmly believed that defendant had the experience of managing agricultural lands and therefore executed a Power of Attorney earlier in favour of his brother, the defendant authorizing him to manage the schedule property. Sometime in late 2005, the plaintiff was considering selling the schedule property at a fair market price. Therefore, he

executed a Power of Attorney dated 27.12.2005 in favour of Smt. Umi Nalini Bedi (sister-in-law of the plaintiff) authorizing her to sell/alienate the schedule property in favour of the prospective purchasers.

11. In December, 2005, the defendant informed the plaintiff that the market value of the schedule property is between Rs.2/2.5 lakhs per acre. The plaintiff believed in the representations made by the defendant as the plaintiff had completely trusted the defendant, his brother, to ensure that the schedule property is sold at a fair market value and sale deed was executed by Power of Attorney holder and the same is nothing but fraud and misrepresentation. The fraud played on the plaintiff came to light when the plaintiff received a notice dated 29.10.2015 from the Income Tax Department inter-alia reopening the Assessment in respect of the Income Tax returns filed by the plaintiff for the Assessment year 2008-09 on the premise that a sum of Rs.1,70,34,000/- had escaped

assessment. The Income Tax Department was of the opinion that the plaintiff had not disclosed the actual sale consideration in respect of the sale transaction between the plaintiff and the defendant. It is also contended that stamp duty was paid to the extent of Rs.2,25,00,000/- to Rs.2,50,00,000/- as on the date of execution of the sale deed, the plaintiff had purchased the property from defendant No.1 for a sum of Rs.24,66,000/- by falsely misrepresenting the market value of the property. Hence, suit is filed and the same is pending before the II Additional Senior Civil Judge and JMFC, Nelamangala which is numbered as O.S.No.227/2016.

12. It is contended that use of the words "it was one of the hardest things to do" "I idolized him" and "But that's a story for another time" in the passage alleged to be defamatory clearly indicates that there is no intention to defame the plaintiff. The reference to son of the defendant No.1 sense of being betrayed by the plaintiff's actions is



contained only in six lines and is not the highlight of the book and prayer sought in I.A.No.2 cannot be granted, more particularly since the plaintiff has already claimed damages in the suit and hence, the question of granting any relief of temporary injunction and also stopping the publication does not arise.

13. The defendant No.2 also filed statement of objections denying the allegations made in the plaint and there is nothing mentioned in the said book that may be blatantly incorrect, wrong or defamatory in nature. The said book is an autobiography about the defendant No.1 and it is not a book about the plaintiff. An autobiography deals not only with the individual by whom it is written, but about the people whom he claims to have interacted with and there is only six lines on page No.233 about the plaintiff and the same has been again re-extracted in the statement of objections. Having referred the said statement of objections, the defendant No.2 contend that the plaintiff

has failed to make out a prima facie case against the defendants. The balance of convenience lies solely in favour of the defendants owing to the fact that the books have already been printed and published and there is no irreparable loss caused to the plaintiff and hence, the question of granting interim order does not arise. The plaintiff also filed rejoinder to the statement of objections filed by the defendant Nos.1 and 2 reiterating the averments of the plaint.

14. The Trial Court, having considered the pleadings of the parties and also the affidavits filed by the parties, formulated the points whether the plaintiff has made out a case for granting temporary injunction as sought in I.A.Nos.2 and 3, whether balance of convenience lies in favour of the plaintiff and whether irreparable loss and injury will be caused to the plaintiff if an order of temporary injunction is not granted.

15. The Trial Court, having considered the material on record, comes to the conclusion that the plaintiff has claimed the damages and sought the relief of temporary injunction restraining the defendants from selling the said book and comes to the conclusion that already books have been sold even online and when already sufficient copies have been supplied and removal of defamatory statement made against the plaintiff has to be established by the plaintiff after full-fledged trial. Hence, grant of an interim-injunction would amount to grant of final relief, if direction to remove the statements is given. Under such circumstances, when many of the copies have been sold, the Court is of the opinion that the plaintiff is not entitled for relief as sought in both the applications. The contentions regarding the right to privacy and freedom of speech and the line of balance between them and how the same has been violated needs to be proved by the plaintiff. Hence, rejected both the applications. Being aggrieved by the

rejection of the applications i.e., I.A.Nos.2 and 3, the present appeal is filed before this Court.

16. The main contention of the learned counsel appearing for the appellant/plaintiff in this appeal is that the very rejection of the applications is without considering the pleadings and material available on record and the Trial Court has passed an unreasonable order. The counsel also would vehemently contend that the very allegations made against the plaintiff imputes the character of the plaintiff and it is also pleaded in the plaint as to how it affects the character and reputation of the plaintiff. The counsel also would vehemently contend that in the catena of judgments, the Apex Court has from time to time reiterated the legal proposition that the application for granting or refusing to grant injunction shall be only on the premise of prima-facie case, balance of convenience and injury and in the impugned order, the Trial Court has not considered the basic principle for grant or refusal of injunction and taking

into account that there would be irreparable injury caused to the appellant and committed an error.

17. The counsel also in his argument would vehemently contend that the Trial Court committed an error in appreciating the factual aspects of the case. The counsel also would vehemently contend that when prima facie case is made out that it is a slap by way of publication by the defendant No.1 against the plaintiff and continued to sell the book and the defendant No.1 is a celebrity and the statement made attracts the general public and the same is nothing but targeting the character of the plaintiff.

18. The learned counsel for the appellant/plaintiff in support of his argument, relied upon the judgment of the Apex Court in ***JUSTICE K.S. PUTTASWAMY VS. UNION OF INDIA*** reported in ***(2017) 10 SCC 1*** and brought to notice of this Court Para Nos.253, 471, 477, 625 and 626, wherein an observation is made in Para No.625 that every

individual should have a right to be able to exercise control over his/her own life and image as portrayed to the world and to control commercial use of his/her identity. This also means that an individual may be permitted to prevent others from using his image, name and other aspects of his/her personal life and identity for commercial purposes without his/her consent. The right protects an individual's free, personal conception of the 'self'. The right of publicity implicates a person's interest in autonomous self-definition, which prevents others from interfering with the meanings and value that the public associates with her. The counsel referring the judgment would vehemently contend that the judgment of the Apex Court in **JUSTICE K.S. PUTTASWAMY's** case is very clear that it is nothing but invading the private individual rights, the defaming is not permitted.

19. The counsel also relied upon the judgment of this Court in **SMT. SONAKKA GOPALAGOWDA**

**SHANTHAVERI AND OTHERS VS. ANANTHA MURTHY AND OTHERS** reported in **AIR 1988 KARNATAKA 255** and brought to notice of this Court Para No.27, wherein an observation is made that the Trial Court also misdirected itself in not noticing the defences available to the defendants in a suit for defamation. As a matter of fact, there is no reference at all regarding the defences taken up by the defendants. It is well settled that in a suit for defamation what the Court has to examine is the natural and ordinary meaning of the words found in the book and in the inference that could be drawn by the ordinary man. The counsel also brought to notice of this Para No.38, wherein an observation is made that injunction could be granted under the repealed Specific Relief Act in a matter like this is also clear from the illustration given under Section 39 of the said Specific Relief Act. Illustration 'E' reads that "a threaten to publish statements concerning 'B' which would be punishable under Chapter XXI of the Indian

Penal Code. The Court may grant an injunction to restrain the publication even though it may be shown not to be injurious to B's property".

20. The counsel relied upon the judgment of the Apex Court in ***SURESH JINDAL VS. RIZOLI CORRIERE DELLA SERA PRODUCTION T.V. S.P.A. AND OTHERS*** reported in ***1991 SUPP (2) SCC 3***, wherein an observation is made with regard to damages, suit filed by appellant Indian film producer for specific performance of contract with respondents foreign film companies and producer for production and exhibition of TV serial. The appellant claiming interim relief of a three second display in the 'credit titles' of the serial, of his name in public acknowledgment of the service rendered by him in making the film possible, held that in such a situation award of damages to the appellant would not be an adequate relief.



21. The counsel also brought to notice of this Court Para No.6 of the judgment, wherein the Apex Court has observed that even if the appellant had rendered some services as claimed and the respondents refused to acknowledge it, he can be adequately compensated by the award of damages. The Apex Court further observed that in a matter of this type the award of damages is not a complete and adequate remedy or relief on the prima facie case made out and having regard to the fact that the necessary modifications in the "credit titles" can be easily made as the film is still in the early states of its exhibition, that it is just and necessary that the appellant should be granted interim relief at this stage by injuncting the respondents from exhibiting the film except after displaying an acknowledgment of the appellant's service.

22. The counsel also relied upon the judgment of the Madras High Court in **MS. KANIMOZHI KARUNANIDHI D/O. MR. M. KARUNANIDHI VS. THIRU P.**

**VARADARAJAN AND OTHERS** reported in **2018 SCC ONLINE MAD 1637** and brought to notice of this Court Para No.2, wherein also the plaintiff sought damages of sum of Rs.1 Crore from the defendant, therein for the alleged defamation/loss of reputation caused by the defendants by their conduct in publishing various incriminating articles about the plaintiff and her family members and for a permanent injunction restraining the defendants from in any manner publishing and circulating the defamatory article. The counsel also brought to notice of this Court Para No.41, wherein an observation is made that while recognizing the right of privacy is a fundamental right, in fact called for a new order, which would offer preeminent position to the right of privacy. In Para No.42 also discussed the judgment of the Apex Court in the case of **JUSTICE K.S. PUTTASWAMY'S** case, wherein observed that the said case is with reference to the nature and scope of the right to privacy of an individual vis-à-vis the State. At

the same time, opined that the principles laid down therein on the scope of the Right to privacy as well as in attempting the balance between the Right to Privacy and Right to Free Speech, can be safely applied to the case on hand, in as much as, the Hon'ble Supreme Court was also concerned with the Right to Free Speech, enshrined the Article 19(1)(a) of the Constitution of India, while discussing the scope of the Right to Privacy. The counsel also brought to notice of this Court Para No.43, wherein also discussed with regard to contention putforth by the learned Senior Counsel for the respondents that they enjoy freedom of press and hence they could publish anything and everything cannot be countenanced. The respondents cannot be allowed to take shelter under the Doctrine of Freedom of Press, and the same cannot also be extended to publishing exclusively private affairs of the appellants calling it as connected to or concerned with public life.

23. Per contra, learned Senior counsel for the caveator-respondent No.2 in his argument would vehemently contend that the reference made in the book, particularly at Page Nos.232 and 233 which has been extracted in the plaint itself not amounts to defamation. The counsel also would vehemently contend that there is no defamatory statement having considered the contents of the statement made in the book and there is no graver allegation and the book is nothing by autobiography of a person, who expressed his feelings. The counsel would vehemently contend that there is no statement which is per-se defamatory in Page Nos.232 and 233 of the book. The counsel also would vehemently contend that fraud has been pleaded and the contents of book should be read keeping in mind the context in which the same has been written.

24. The learned Senior counsel for the respondent No.1, in support of his argument, relied upon the judgment

of the Delhi High Court in ***KHUSHWANT SINGH AND ANOTHER VS. MANEKA GANDHI*** reported in ***AIR 2002 DEL 58*** which is a Division Bench Judgment and brought to notice of this Court relevant Para Nos.60, 62, 63 and 66, wherein the Apex Court has held that one cannot make a grievance so as to prevent the publication itself when the remedy is available to her by way of damages. The counsel also brought to notice of this Court Para No.8, wherein also it is observed that the defendant No.1, besides other incorrect, derogatory and defamatory words in the said extract, has also written about the plaintiff.

25. The counsel also brought to notice of this Court Para No.60 of the judgment, wherein it is held that it would not be appropriate to do so for us at this stage but what we do observe is that the statements are not of such a nature as to grant injunction even from publication of the material when the appellants are willing to face the consequences in a trial in case the same are held to be defamatory and the

pleas of the appellants of truth are analysed by the trial court. The counsel also brought to notice of this Court Para No.62, wherein also it is observed that the claim of right of privacy advanced by the learned counsel for the respondent to seek the preventive injunction is important aspect to be examined. This aspect was exhaustively dealt with in the case of ***Auto Shankar*** reported as ***R.Rajagopal's*** case (supra). The Supreme Court while considering these aspects clearly opined that there were two aspects of the right of privacy. The first aspect was the general law of privacy which afforded tortious action for damages from unlawful invasion of privacy. In the present case we are not concerned with the same as the suit for damages is yet to be tried.

26. In Para No.63 also, it is also observed that it may however, be added that the scrutiny of public figures by media should not also reach a stage where it amounts to harassment to the public figures and their family members.

They must be permitted to live and lead their life in peace. In Para No.66, it is held that be that as it may the respondent has already chosen to claim damages and her claim is yet to be adjudicated upon. She will have remedy if the statements are held to be vulgar and defamatory of her and if the appellants fail to establish the defense of truth. In Para No.68, it is also observed that one aspect is very material, a categorical assertion of the author to stand by his statement and claim to substantiate the same. In such a situation interlocutory injunction restraining publication should not be granted.

27. The counsel also relied upon the judgment of the Delhi High Court in ***HIS HOLINESS SHAMAR RIMPOCHE VS. LEA TERHUNE AND OTHERS*** reported in ***AIR 2005 DEL 167*** and brought to notice of this Court Para No.7, wherein also the judgment of the Division Bench in ***KHUSHWANT SINGH's*** case is referred and observation is made that publication of an allegedly offending and

defamatory nature, pre publication injunction of restraint should not be granted in case the defendant, who supports the publication cites truth as a defence and pleads justification. In such a case, as per ***KHUSHWANT SINGH'S*** case, damages are the appropriate remedy.

28. The counsel also relied upon the judgment of the Delhi High Court in ***TATA SONS LIMITED VS. GREENPEACE INTERNATIONAL & ANR.*** reported in ***(2011) 178 DLT 705*** and brought to notice of this Court the principles laid down in the judgment bringing it to the notice of the Court Para Nos.34, 35, 36, 38 and 43, wherein in Para No.38, it is held that four requirements are held to be liable for defamation. The first is, a false and defamatory statement must be made about another's reputation or business. What is necessary in a case of defamation is that the statement made is understood by others to be "of or concerning" the plaintiff. It is also emphasized that the plaintiff must establish some extent of fault or negligence



on the part of the defendant in publishing the statements. A plaintiff who is a public figure will have to show that the statements were made out of malice. The burden of proof is less demanding in case of a private individual. The statements must result in actual or presumed damage and also discussed with regard to importance of free speech. The counsel also brought to notice of this Court Para No.43 that the Court cannot also sit in value judgment over the medium (of expression) chosen by the defendant since in a democracy, speech can include forms such as caricature, lampoon, mime parody and other manifestations of wit. The defendant may or may not be able to establish that there is underlying truth in the criticism of the Dhamra Port Project, and the plaintiff's involvement in it.

29. The counsel also relied upon the judgment in ***R. RAJAGOPAL @ R.R. GOPAL & ANR. VS. STATE OF T.N. & OTHERS*** reported in ***AIR 1995 SC 264***, wherein also, the Apex Court held that once a matter becomes a

matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. The counsel also brought to notice of this Court Para Nos.26 and 29, wherein summarized the broad principles about the discussion subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. In Para No.29, it is observed that applying the above principles, it must be held that the petitioners have a right to publish, what they allege to be the life story/autobiography of Auto Shankar insofar as it appears from the public records, even without his consent or authorization.

30. The learned counsel for the respondent No.2 also relied upon the judgment of the High Court of Madras in **R. RAJAGOPAL VS. J. JAYALALITHA AND ORS.** reported in **AIR 2006 MAD 312** decided on **06.04.2006** and brought

to notice of this Court Para Nos.5, 28, 29 and 31. In Para No.28, it is held that right to publish and the freedom of press as enshrined in Article 19(1)(a) of the Constitution of India are sacrosanct. The only parameters of restriction are provided in Article 19(2) of the Constitution. Even assuming that the articles published by the appellants amount to character assassination of the respondents, there is no justification for granting a blanket injunction restraining the appellants from publishing any articles, in future. The counsel also brought to notice of this Court Para No.29, wherein it is held that in the instant case, the respondents have already chosen to claim damages and their claim is yet to be adjudicated upon. They will have remedy if the statements are held to be defamatory or false and actuated by malice or personal animosity.

31. The counsel also relied upon the judgment of the Apex Court in **WANDER LTD. AND ANOTHER VS. ANTOX INDIA P. LTD.** reported in **1990 (SUPP) SCC 727** and

brought to notice of this Court Para Nos.13 and 14, wherein the Apex Court in Para No.14 has held that the appeals before the Division Bench were against the exercise of discretion by the Single Judge. In such appeals, the appellate Court will not interfere with the exercise of discretion of the Court of first instance and substitute its own discretion except where the discretion has been shown to have been exercised arbitrarily, or capriciously or perversely or where the Court had ignored the settled principles of law regulating grant or refusal of interlocutory injunctions.

32. Learned Senior counsel for the respondent No.1, in his argument would vehemently contend that the Court has to see the averments made in the plaint in Para Nos.4 to 7 and the allegation in the plaint is regarding fraud. The counsel would vehemently contend that the book which is published is an autobiography of the defendant No.1, that too with regard to his life events, relationship with family,

friends and the persons, who have come in his life and the same refers to the facts which are true. The counsel also would vehemently contend that the book was published on 19.04.2021, notice was issued on 30.04.2021 and suit was filed on 12.05.2021. When the applications were not considered, a writ petition was also filed and a direction was given vide order dated 12.08.2021. The counsel also would submit that though there is an imputation of his character, the appeal was filed belatedly on 15.06.2023, though the impugned order was passed on 27.09.2022. The counsel also would vehemently contend that the Court has to see the conduct and moving the appeal belatedly and not intended to prevent any circulation and the very conduct indicates the relief which has been sought by the appellant before this Court. The counsel also would vehemently contend that the Trial Court has given reason that there are triable issues and when there are triable issues, interim relief cannot be granted. The counsel, in support of his

argument, he relied upon the order sheet in O.S.No.2968/2021 and brought to notice of this Court filing of the suit on 13.05.2021 and disposal of the applications by the Trial Court and hence, the Court has to see the conduct of the appellant.

33. The counsel, in support of his argument, relied upon the very same judgment relied upon by the learned counsel appearing for the respondent No.2 i.e., **R. RAJAGOPAL @ R.R. GOPAL & ANR. VS. STATE OF T.N. & OTHERS** and brought to notice of this Court that the broad principles set out hereinafter are evolved keeping in mind the considerations with regard to right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. The rules aforesaid is also subject to the exception that in publication concerning the aforesaid aspects become that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including

court records.. The counsel also brought to notice of this Court Para No.4, wherein the Apex Court has discussed with regard to the autobiography sets out the close nexus between the prisoner and several IAS, IPS and other officers, some of whom were indeed his partners in several crimes.

34. The counsel also brought to notice of this Court the judgment of the Delhi High Court in ***KHUSHWANT SINGH AND ANOTHER VS. MANEKA GANDHI*** reported in ***2001 SCC ONLINE DEL 1030*** which was also relied upon by the learned counsel for respondent No.2 and brought to notice of this Court Para Nos.66, 68 and 73, wherein an observation is made that we are unable to accept the submission of learned counsel for the respondent that by very nature an autobiography must relate to the person concerned directly. An autobiography deals not only with the individual by whom it is written but about the people whom he claims to have interacted with. This is a

matter between the author and the people who want to read him. Fetters cannot be put on to what an author should or should not write. It is the judgment of the author.

35. The counsel also relied upon the judgment referred by the learned counsel for the respondent No.2 in **TATA SONS LIMITED VS. GREENPEACE INTERNATIONAL & ANR.** reported in **(2011) 178 DLT 705** and contend that matter requires adjudication and brought to notice of this Court Para Nos.29, 30, 31 and 33, wherein also the Delhi High Court discussed the judgment of the **KHUSHWANT SINGH's** case and so also brought to notice of this Court Para Nos.35 and 36, wherein at Para No.36, it is observed that the matter has to be considered on merits and not at the interlocutory stage and it would be apparent from the above discussion that publication is a comprehensive term, embracing all forms and mediums - including the Internet.



36. The counsel also relied upon the judgment of the Delhi High Court in ***HIS HOLINESS SHAMAR RIMPOCHE VS. LEA TERHUNE AND OTHERS*** reported in **2005 (79) DRJ 465**, wherein while exercising the powers under Order 39, Rules 1 and 2 discussed about interim injunction sought against publication of the book and disputes pertaining to freedom of expression, the person cannot claim to be a wholly private person as leader of a sect of Tibetan Buddhism. The author standing by the facts stated by him, held that interim injunction against the publication cannot be granted.

37. The counsel also relied upon the judgment the foreign judgment in ***JAMES RHODES VS. OPO (BY HIS LITIGATION FRIEND BHM) AND ANOTHER*** reported in **[2015] UKSC 32** delivered on **20.05.2015** and brought to notice of this Court Para No.122, wherein it is discussed that while there is some (disputed) evidence that they could cause the claimant serious distress, the contents of the

defendant's book are not untrue, threatening or insulting, they are not gratuitous or unjustified, let alone outrageous, they are not directed at the claimant, and they are not intended to distress the claimant.

38. The counsel also relied upon the judgment in ***STATE OF U.P. AND OTHERS VS. RAM SUKHI DEVI*** reported in ***(2005) 9 SCC 733***, wherein it is observed that final relief granted as an interim-relief is improper and if interim relief is granted, it amounts to final order and the same is impermissible.

39. The counsel also relied upon the judgment of the Apex Court in ***ADARSH COOPERATIVE HOUSING SOCIETY LIMITED VS. UNION OF INDIA AND OTHERS*** reported in ***(2018) 17 SCC 516*** and brought to notice of this Court Para Nos.9, 10 and 17, wherein the judgment in ***NACHIKETA WALHEKAR VS. CBFC*** was discussed. The Court also stated that prohibitions should not by implication

crucify the rights of expressive minds. In Para No.17, the Apex Court observed that it is the determination for moving from being to becoming, from existence to belonging and from ordinary assumption to sublime conception. The creative intelligence kicks his thinking process to live without a fixed target but toying with many a target.

40. The counsel also relied upon the judgment in ***NACHIKETA WALHEKAR VS. CENTRAL BOARD OF FILM CERTIFICATION*** reported in ***(2018) 1 SCC 778*** and brought to notice of this Court Para No.4, which has already been discussed in the earlier judgment.

41. The counsel also relied upon the judgment in ***DEORAJ VS. STATE OF MAHARASHTRA AND OTHERS*** reported in ***(2004) 4 SCC 697*** and brought to notice of this Court Para No.12, wherein the Apex Court discussed that the Court would grant such an interim relief only if satisfied that withholding of it would prick the conscience of

the Court and do violence to the sense of justice, resulting in injustice being perpetuated throughout the hearing, and at the end the Court would not be able to vindicate the cause of justice.

42. The counsel also relied upon the judgment in ***PRAKASH JHA PRODUCTIONS AND ANOTHER VS. UNION OF INDIA AND OTHERS*** reported in **(2011) 8 SCC 372** and brought to notice of this Court Para Nos.21 and 22, wherein a discussion was made that public discussions and debate on social issues are required and are necessary for smooth functioning of a healthy democracy. Such discussions on social issues bring in awareness which is required for effective working of the democracy.

43. The learned counsel appearing for the appellant/plaintiff as against the contentions of learned Senior counsel for respondent No.1 and caveator-

respondent No.2 in his reply would contend that allegations in the plaint with regard to case in Nelamangala was even helpful to the plaintiff, since no criminal case is filed. The respondents have not challenged the sale stating that the same is fraudulently obtained. The counsel also would submit that the facts stated by the friends of the plaintiff is also stated in the plaint and imputation made in the book is against the plaintiff. The counsel also would submit that the plaintiff has not protracted the proceedings either in the Trial Court or before this Court. Hence, it requires interference.

44. Having heard the learned counsel for the appellant/plaintiff and learned Senior counsel for the respondent No.1 and learned Senior counsel for the caveator-respondent No.2, considering the principles laid down in the judgments referred supra by the learned counsel for the appellant and learned Senior counsels for the respondents and also the grounds urged in the appeal,

the points that would arise for consideration of this Court are:

- (1) *Whether the Trial Court has committed an error in rejecting both the applications i.e., I.A.Nos.2 and 3, in coming to the conclusion that the plaintiff has not made out a prima facie case and whether matter requires full-fledged trial with regard to the contentions of the appellant/plaintiff?*
  
- (2) *What order?*

45. Having considered the grounds urged in the appeal as well as principles laid down in the judgments referred supra, this Court before considering the principles laid down in the judgments as well as merits of the appeal would like to mention the undisputed facts. There is no dispute with regard to the relationship between the parties and no dispute with regard to the release of book by the defendant No.1 and the same has been published by the defendant No.2. It is also not in dispute that the book is

public domain, after releasing the same, it has been circulated from 2021. No doubt the suit is filed for the relief of claiming damages and inter alia sought for the relief of temporary injunction as sought in I.A.Nos.2 and 3 and no ad-interim exparte injunction has been granted.

46. The Trial Court heard the matter and rejected the applications. Now an application is also filed before this Court seeking the interim relief along with the main appeal. The statement of objections is filed by the respondent Nos.1 and 2 in respect of those I.As' also. This Court heard the matter on merits. It is also not in dispute that the suit is filed for the relief of claiming damages of Rs.1,00,00,000/- (Rupees One Crore only) with 24% of interest.

47. The main prayer sought in the application before the Trial Court that restrain the defendants or their agents, distributors, websites, e-business portals or other like agents and others from selling the book titled 'Stories I

Must Tell: The Emotional Life of an Actor' by Kabir Bedi and other relief sought in I.A.No.3 in a similar fashion to remove all defamatory statements made against the plaintiff from the book. It is important to note that this Court would like to refer the extract made by the plaintiff in the plaint as well as in the I.A contending that the said book has certain statements made by the defendant No.1 making allegations, innuendos against the petitioner and his character and reputation and the same is also extracted hereunder:

- 6.1) *"I've been betrayed the most by people who I trusted the most"*
- 6.2) *"The most painful of all, my brother Ranga"*
- 6.3) *"An unexpected official letter in the post led to my discovering what had happened"*
- 6.4) *"Eventually, I had to file a case of fraud against him in Nelamangala Court near Bengaluru in 2016"*
- 6.5) *"It was one of the hardest things I've ever had to do "*



6.6) *"I idolized him "*

6.7) *"But that's is a story for another time "*

6.8) *"Trust is a perishable commodity, its gold only if it lasts "*

48. It is also the contention of the plaintiff that the name of the plaintiff has been referred to as "Ranga" in the aforesaid statements and the case of fraud which is mentioned in the book is a matter from 2016.

49. Having perused the allegation in the plaint and the contention of character imputation and lowering the reputation made in the statements extracted above, the Court has to look into the same and whether it affects the reputation, the same amounts to defamation. It is important to note that suit is filed for the damages and allegations of defamatory statements are made. It is settled law that the cardinal principle of defamation has to be proved. In law, the essence of defamation is its tendency to

through the defendant's statements, lower the plaintiff's reputation in eyes of others.

50. The Delhi High Court has also discussed the same in paragraph No.38 referred above in a case of **TATA SONS LIMITED VS. GREENPEACE INTERNATIONAL & ANR.**, and held that the first is a false and defamatory statement must be made about another's reputation or business. What is necessary in a case of defamation is that the statement made is understood by others to be "of or concerning" the plaintiff. The publication should be made out to a third party. Generally there is no liability if the defendant did not intend the publication to be viewed by anyone other than the plaintiff. The plaintiff must establish some extent of fault or negligence on the part of the defendant in publishing the statements. The plaintiff who is a public figure will have to show that statements are made out of malice. The burden of proof is less demanding in case

of a private individual. The statements must result in actual or presumed damage.

51. The Court has to take note of the extract of the book made by the plaintiff. It is important to note that already the plaintiff has filed the suit for the relief of damages and the judgment of the Madras High Court in case of **R. RAJAGOPAL VS. J. JAYALALITHA AND ORS.**, referred supra by the respondent also held that in the instant case, the respondents have already chosen to claim the damages and their claim is yet to be adjudicated upon and they will have the remedy if the statements are held to be defamatory or false and actuated by malice or personal animosity. No doubt the counsel appearing for the appellant has also relied upon the judgment of **SURESH JINDAL'S** case which is referred supra wherein discussed Section 40 of Specific Relief Act, the appellant claiming interim relief of a three second display in the 'credit titles' of the serial, of his name in public acknowledgment of the service rendered

by him in making the film possible, held that in such a situation award of damages to the appellant would not be an adequate relief and also discussed Section 73 of Contract Act and the prima facie case is made out with regard to the fact that necessary modifications in the 'credit titles' can be easily made as the film is still in the early stages of its exhibition and necessary to injunct the same. But in the case on hand, it has to be noted that already book is published and the same is in a public domain and the same is circulated from 2021 and almost 3 years has been elapsed.

52. The counsel appearing for the respondents also brought to notice of this Court that when an application is filed restraining an injunctive relief, order was passed on 27<sup>th</sup> day of September-2022. The appeal is filed on 15.06.2023 almost after 9 months and not immediately. There is a force in the contention of the counsel appearing for the respondents that a belated appeal is filed. The

conduct shows that not intended to prevent the circulation. It is important to note that when the extracts are made in the plaint with regard to the a defamatory remarks made in the autobiography book of defendant No.1, the Court has to look into the said book also in the contest in which the said statements are made. No doubt the defendant No.1 is the celebrity and there is a force in the contention of the appellant's counsel that if he makes a statement and the same will be received as smooth. But, the Court has to examine with regard to whether the same amounts to defamatory as discussed above and ingredients has to be proved. The fact that the book is autobiography of defendant No.1 is not in dispute and he has expressed his feelings.

53. It is important to note that in order to *lis* between the parties is concerned, admittedly the defendant No.1 has filed a suit questioning the very execution of sale deed executed in favour of plaintiff. He contended that a

fraud was played and on misrepresentation, the sale is obtained. The suit is also pending which was filed in the year 2016 itself making the allegation of fraud and misrepresentation in the year 2016 itself. It is important to note that this book is authored and is circulated from 2021, immediately after filing of the suit in 2016 for making an allegation of fraud and misrepresentation, no action was taken by the plaintiff, but immediately after the circulation of this book, he has approached the Court.

54. It is the contention of the appellant's counsel that there is a prima facie case and book is nothing but a slap by way of publication. It is important to note that when the book was launched on 19.04.2021, notice was issued on 30.04.2021 and immediately the suit was filed on 12.05.2021. No order has been passed and a direction was given by this Court in the writ proceedings on 12.08.2021, but the order was passed in the month of September. I have already pointed out that even there is a delay in filing

the appeal and almost nine months has been elapsed questioning the said order. The main contention of the counsel appearing for the appellant relying upon the case of **MS. KANIMOZHI KARUNANIDHI'S** wherein Madara High Court discussed the judgment of the Apex Court in case of justice **K.S.PUTTASWAMY'S** case in paragraph No.42 with regard to right to privacy as well as in attempting the balance between the right to privacy and right to free speech wherein elaborate discussion was made in the said judgment in keeping a right to free speech enshrined the Article 19(1)(a) of the Constitution of India, while discussing the scope of the right to privacy.

55. The counsel appearing for the appellant also relied upon the judgment of justice **K.S.PUTTASWAMY'S** case with regard to personal liberty under Article 21 right to life and personal liberty includes right to privacy as an integral part guaranteed under Part-III of the Constitution and extracted certain paragraphs wherein a detailed

discussion was made. In keeping the principles laid down in the said judgment and also the judgment of Delhi High Court as well as judgment of Madras High Court and also the pendency of the suit claiming damages and the very defamatory statement, whether it amounts to defamatory statement or not has to be adjudicated and triable issues is subject matter of the suit also be taken note of by the Trial Court.

56. It is also important to note that paragraph No.28 of the judgment of Delhi High Court in **TATA SON'S** case is aptly applicable to the case on hand when the suit has already been filed for the damages, whether circulating such book affects the reputation of plaintiff has to be determined only by after the trial, not at this stage. It is also settled law that the Court should be very slow in passing the judgment with regard to if any publication of an allegedly offending and defamatory, prepublication injunction of restraint should not be granted in case if the



defendants supports the publication sites truth as a defense and pleads justification, the same is a matter of trial and damages are the appropriate remedy. The division bench of Delhi High Court also in a case of **SHAMAR RIMPOCHE'S** which is referred above, held in paragraph No.7 relying upon the judgment of **KUSHWANT SINGH'S** case that the interim injunction sought against the publication of the book and there is a dispute pertaining to the freedom of expression and the author standing by the facts stated by him held that interim injunction against the publication cannot be granted. The **KUSHWANT SINGH'S** case, Delhi High Court in detail dealt with the same in paragraph No.64 that while discussing the scope of Article 19(1)(a) and also the Article 19(2) of Constitution of India, wherein also discussed the total matter of the book is yet to be published. The contents of the subject matter had been reported before and authors stands by the same and the same has to be examined and respondent cannot make a

grievance so as to prevent the publication itself when the remedy is available to her by way of damages. It would not be appropriate to do so for us at this stage but, what we do observed is that the statements are not of such a nature as to grant injunction even from publication of the material when the appellants are willing to face the consequences in a trial in case the same are held to be defamatory and the pleas of the appellants of truth were analyzed by the Trial Court. In the case on hand also I have already extracted the imputations which has been extracted by the plaintiff contending that the same is a defamatory statement and it affects privacy, the same must be proved whether the same amounts to a defamatory statement and dispute between the brothers is with regard to selling of the property and it is contended by the defendant No.1 that by fraud and misrepresentation obtained the sale deed and there was a fraud and also defendant contend that the same is a truth

and he is defending his statement and he has already filed the suit.

57. The counsel for respondent No.1 also apart from relying upon the certified copy of order sheet of the Trial Court, he also relied upon similar judgments which have been relied upon by the respondent No.2. The counsel also brought to notice of the judgment of the Apex Court in **R.RAJAGOPALA'S** case which has been referred above wherein fraud principles are evolved while considering the case where an observation is made that it must be held that the petitioners have a right to publish what they alleged to be the life story/autobiography of the Auto Shankar in so far as it appears from the public records, even without his consent or authorization. It is also the contention that it is only a autobiography and he had expressed feelings with regard to persons who have come across in his life including family members as well as friends. Hence, the said principles is also applicable to the facts of the case on hand,

since the book which is published is also a autobiography of the defendant No.1 which was released on his 75<sup>th</sup> birth anniversary.

58. The counsel appearing for the respondent No.1 also relied upon the judgment of the Apex Court in **NACHIEKETA WALHEKAR'S** case which is referred above and also the case of **ADARSH COOP. SOCIETY LTD.,** referred supra wherein also the Apex Court observed that compelling circumstances to be proved for grant of interim injunction, if it is tantamount to final relief, the interim injunction cannot be granted. In the case on hand, the relief sought in I.A.No.3 amounts to granting of the final relief in withdrawing and removing the contents of the book and without conducting the Trial, there cannot be such an order and it amounts to granting of final relief as contended by the appellant's counsel. Hence, the said judgments are aptly applicable to the facts of the case on hand and no doubt in I.A.Nos.2 and 3 the relief sought that to prevent

the defendants from making publication of the said book and restrain circulation of the said book.

59. It is important to note that already book is released in the year 2021 and I have already observed that 3 years has been elapsed, the same is under circulation. The relief is already sought for the relief of damage, the same can be assessed in terms of money, if it is really imputes the reputation of the plaintiff and also there is a intersaid dispute between the parties with regard to the fraud and misrepresentation and the suit was already filed by the defendant No.1 in the year 2016 which is also pending for consideration. When the contents of the book is also extracted in the plaint and having taken note of the said extracts also whether it amounts to defamation or not and whether it harms the reputation of the plaintiff is the subject matter of the trial. The Trial Court also while rejecting the application which is numbered as I.A.Nos.2 and 3 in paragraph No.20, after considering the rival

contents of the plaintiff as well as defendant, taken note of the words which have been used in the said book. In paragraph No.20, comes to the conclusion that when the plaintiff has claimed the damages and restraining the defendant from selling the said book and already sufficient copies have been supplied and removal of defamatory statements made against the plaintiff has to be established by the plaintiff after full fledged trail.

60. The Trial Court also taken note of the principles laid down in the judgments which have referred before the Court and comes to the conclusion that grant of interim injunction would amounts to grant of final relief with a direction to remove the statements which are given. The Trial Court also taken note of the fact that when the books have been sold, the plaintiff is not entitled for the relief as sought in both the applications. The contention regarding the right to privacy and freedom of speech and the line of balance between them, the same has been violated needs

to be proved by the plaintiff. The fact that admittedly the defamation has to be proved by full fledged trial. The suit is filed after the release of the book and the book was launched prior to the filing of the suit. No doubt plaintiff has also filed the affidavits of various persons in favour of him and defendant also took specific defense that already the suit is filed for setting aside the sale deed which has been obtained by the plaintiff on the ground that by fraud and misrepresentation the sale deed is obtained. The said suit is pending before Nelamangala Court, Bengaluru, the said suit was filed making the allegation of fraud and misrepresentation in the year 2016 itself, when such being the case, I do not find any substance in the argument of appellant's counsel that this Court has to restrain the defendant from publication of book since, the book is already in circulation and in the public domain and question of directing the plaintiff to remove the statements does not arise at this stage unless the plaintiff proves that the said

extract which has narrated in the plaint contains in the book made in the context of defamatory statement which imputes the reputation of the plaintiff. Hence, I do not find any ground to grant the relief as sought in the appeal. The Trial Court has not committed any error in rejecting the I.A.Nos.2 and 3 and it does not require any interference of this Court and the appeal suffers from devoid of its merits.

61. In view of the discussion made above, I pass the following:

**ORDER**

The Miscellaneous First Appeal is ***dismissed***.

**Sd/-  
JUDGE**

ST,RHS