

243/20

IN THE COURT OF VIKAS DHULL,
ADDITIONAL DISTRICT JUDGE-01, WEST,
THC, DELHI

Civ.DJ No. ___/2020

M/s. RITCO LOGISTICS
LTD. AND ANR.
Vs.
JASPAL SINGH ALAGH

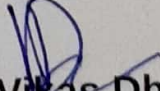
13.05.2020 (4.00 p.m.)

Pr: None.

Vide separate order passed today, the injunction application of plaintiffs is allowed.

Put up on 15.06.2020 for filing of written statement by defendant.

A copy of order be sent to Ld.counsels for parties through email by the Filing Section, West District, THC, Delhi.


(Vikas Dhull)
ADJ-01, West,
THC, Delhi

**IN THE COURT OF VIKAS DHULL,
ADDITIONAL DISTRICT JUDGE-01, WEST,
THC, DELHI**

Civ.DJ No. ___/2020

M/s. RITCO LOGISTICS LTD.

... Plaintiff No.1

MANMOHAN PAL SINGH CHADHA

... Plaintiff No.2

VERSUS

JASPAL SINGH ALAGH

... Defendant

THROUGH WEBEX VIDEO CONFERENCING

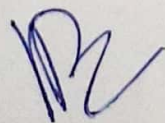
13.05.2020 (25 minutes)

Pr: Sh.Rahul Malhotra, Id.counsel for plaintiff.

(M.No. 9899218215)

(email ID: rahulssmalhotra@gmail.com)

Sh.Dinesh Priani, Ld.counsel for defendant.



B


(M.No.9810555946)

(email ID: dinesh_priani@yahoo.co.in)

On inquiry from Id.counsel for defendant, he admits regarding receipt of copy of plaint and documents.

Arguments on the interim injunction application on behalf of both parties heard today through the process of Video Conferencing.

Put up today at 4.00 p.m. for orders on the said application.


(Vikas Dhull)
ADJ-01, West,
THC, Delhi
(Duty Officer)
13.05.2020

M/s.Ritco Logistics Ltd. and another
Vs.
Jaspal Singh Alagh

IN THE COURT OF VIKAS DHULL: ADDITIONAL DISTRICT
JUDGE-01 (WEST), TIS HAZARI COURTS, DELHI

Civ.DJ No. ___/2020

M/s. RITCO LOGISTICS LTD.

... Plaintiff No.1

MANMOHAN PAL SINGH CHADHA

... Plaintiff No.2

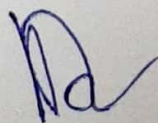
VERSUS

JASPAL SINGH ALAGH

... Defendant

ORDER

1. Vide this order, I shall dispose of an interim injunction application under Order XXXIX Rule 1 and 2 CPC filed by the plaintiff alongwith a suit for



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permanent injunction, mandatory injunction and damages.

2. The brief facts which are relevant for deciding the aforementioned application are that plaintiff no.1 company is a registered company having an ISO 9001:2000 certification and is in logistics business having a fleet of 1200 trucks and is transporting goods to various parts of the country.
3. It was averred in the plaint that plaintiff no.1 company has also earned the "Best Road Transporter Award" from a renowned Japanese Company due to safe transportation of the goods and ratio of accidents being committed by plaintiff no.1's fleet being very low.
4. It was also averred that plaintiff no.2 is the

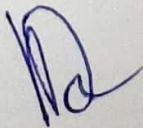


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Chairman and Managing Director of the plaintiff no. 1 company and sister of the plaintiff no.2 was married to defendant. However, the relations between sister of plaintiff no.2 and defendant became strained due to which various matrimonial proceedings are pending between them.

5. It was further averred that as a counter blast to the matrimonial proceedings, defendant has filed various false and frivolous cases against plaintiff no.2 and his wife. In this regard, it was averred that three civil suits for recovery have been filed by defendant against plaintiff no.2 and his wife, which are pending at the District Courts at Gurguram, Haryana.
6. It was further averred that in order to extort

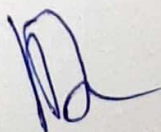


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money from plaintiffs and to defame them, defendant has written two emails dated 18.04.2020 and 03.05.2020 to the employees and Directors of the plaintiff no.1 company, its investors, bankers, stock exchange--where plaintiff no.1 company is registered, and to various authorities and in both said emails, defamatory imputations have been made against plaintiff no.1 company which to the knowledge of defendant are false and frivolous.

7. It was further averred that due to defamatory emails written by defendant, the reputation of plaintiff no.1 company has been hampered amongst its investors, clients and its bankers. Therefore, plaintiff has filed the present suit for damages of Rs.10 Lacs and permanent and

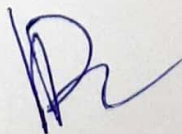


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mandatory injunction.

8. Alongwith the suit, plaintiff had also filed an interim injunction application making a prayer therein that defendant be restrained during the pendency of the suit from publishing and circulating any kind of defamatory material against plaintiff no.1 company in electronic media, internet or any other mode.
9. Notice of the suit and of the application under Order XXXIX Rule 1 and 2 CPC was issued to defendant, who on being served had chosen to lead arguments on the pending injunction application without filing any reply.
10. I have heard Sh.Rahul Malhotra, ld.counsel for plaintiffs and Sh.Dinesh Priani, Ld.counsel for

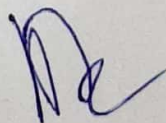


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defendant.

11. It was submitted by ld.counsel for plaintiffs that emails dated 18.04.2020 and 03.05.2020 are defamatory in nature as false imputations have been made by defendant against plaintiff no.1 company.
12. It was averred that in the email dated 18.04.2020, defendant has alleged that plaintiff no.1 company through its Director i.e. plaintiff no.2 had taken a loan of Rs.3 Crores from the defendant and since the same was not returned, therefore, he was cheated.
13. It was also alleged in the email dated 18.04.2020 that other investors had also been cheated by plaintiff no.1 company and even they



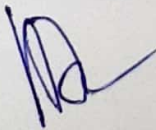
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had not paid salary and dues to the truck drivers, mechanics and spare parts suppliers.

14. It was also alleged in the email that plaintiff no.1 is in the process of bringing out an IPO just to dupe innocent people/shareholders by making them invest in their company.

15. It was further submitted that email dated 18.04.2020 was addressed to the Director of plaintiff no.1 company, its investors, bankers, stock exchange and to various public authorities like police etc. and since the imputations made in the email against plaintiff no.1 company were false and frivolous, therefore, it has damaged the reputation of plaintiff no.1 company amongst the business circle.



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16. It was further submitted that a similar email was again written by defendant on 03.05.2020 where defendant further threatened to harm the reputation of plaintiff no.1 company on social media like Facebook, Instagram etc.
17. It was further submitted that all the imputations made in the two emails dated 18.04.2020 and 03.05.2020 are false and frivolous and said fact is also demonstrated from the three civil suits filed by defendant against plaintiff no.2 and his wife which are pending before the District Courts at Gurugram, Haryana.
18. It was submitted that all the three civil suits for recovery of money which have been filed by defendant against plaintiff no.2 are in the personal capacity of plaintiff no.2 and his wife and even the

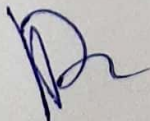


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amount in all the three civil suits is not more than Rs.1.5 Crores. Therefore, plaintiff no.1 company has got no concern in the alleged loan of Rs.1.5 Crores taken by plaintiff no.2 and his wife in their personal capacity and there is no basis to allege that it is the plaintiff no.1 company, who had taken the loan of Rs.3 Crores from the defendant.

19. It was further submitted that although in the email dated 18.04.2020, defendant had submitted to provide the list of investors, who have been cheated by plaintiff no.1 company and the names of persons whose dues have not been cleared by plaintiff no.1 company but no such details have been provided till date by defendant which further shows that allegations are false and frivolous and have been made just to defame plaintiff no.1

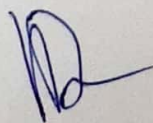


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company.

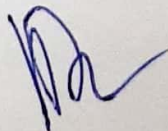
20. It was further submitted that since emails have been addressed by defendant to various investors, bankers of plaintiff no.1 company, therefore, if defendant is not enjoined, then it will cause irreparable loss to the plaintiff no.1 company. It was further submitted that a prima facie case lies in favour of plaintiff and even the balance of convenience is in the favour of plaintiff no.1 company. Accordingly, it was prayed that interim injunction application be allowed and defendant, his associates, entities, agents, representatives, employees and/or any other personating on behalf of the defendant be restrained from publishing and circulating any further defamatory material against plaintiff no.1 company and its Directors.



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21. On the other hand, ld.counsel for defendant has opposed the grant of interim injunction.
22. It was submitted that defendant has got a legal right to pursue his legal remedies for recovery of his legal dues.
23. It was submitted that defendant has got a legal basis for making complaint to the Commissioner of Police vide emails dated 18.04.2020 and 03.05.2020 respectively.
24. It was submitted in this regard that defendant has filed three civil suits against plaintiff no.2 and his wife seeking recovery of his hard earned money and copy of said suits is annexed with the plaint filed by plaintiffs.



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25. In the said suits, defendant has clearly mentioned as to what amount was transferred by way of loan to plaintiff no.2 and his wife and since the loan amount was transferred through banking channel, therefore, it cannot be said that defendant had made a false claim of recovery of loan amount from plaintiff no.2 and his wife.

26. It was further submitted that in the written statement filed by plaintiff no.2 and his wife in the three civil suits filed by defendant, they have not disputed the receipt of money from defendant.

27. However, since plaintiff no.2 and his wife have not returned the money of defendant, who happens to be brother in law of plaintiff no.2, therefore, defendant was constrained to write emails dated 18.04.2020 and 03.05.2020 to



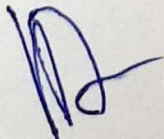
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caution the public at large that when defendant being relative can be cheated, then they should also be cautioned while investing money with plaintiff no.2. Accordingly, it was submitted that no false imputations have been made in the emails dated 18.04.2020 and 03.05.2020 against plaintiff no.2.

28. It was further submitted that plaintiff no.2 and his wife had taken the loan amount from defendant on the pretext of investing in the plaintiff no.1 company being the Chairman and Managing Director of the plaintiff no.1 company and, therefore, emails were written against plaintiff no.1 company.

29. It was concluded by submitting that defendant has not harmed any reputation of plaintiffs by



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writing emails dated 18.04.2020 and 03.05.2020 as he has only sought his legal remedies by making complaints to the public authorities for which he had a legal basis. Accordingly, he has made a prayer for dismissal of injunction application.

30. I have considered the rival submissions of respective counsels and have carefully perused the record.

31. It is an admitted position between the parties that defendant happens to be the brother in law of plaintiff no.2 and matrimonial disputes are going on between sister of plaintiff no.2 and defendant.

32. It is also an admitted position by defendant that alleged loan which he had advanced to plaintiff no.2 and his wife was in their personal capacity



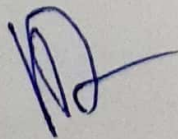
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and plaintiff no.1 company had got no concern in the same.

33. Further, the copy of the three civil suits and the written statements filed on record by plaintiffs were never disputed by defendant's counsel, during the course of arguments. The averments made in the three civil suits filed by defendant at District Courts at Gurugram, Haryana for recovery of money against plaintiff no.2 and his wife show that total amount being claimed is to the tune of Rs.1.5 Crores approximately and not Rs.3 Crores as alleged in the email dated 18.04.2020.

34. Further, in the entire plaint of three civil suits, there is no whisper that the amount was taken by plaintiff no.2 and his wife with the assurance that the same shall be invested in the plaintiff no.1

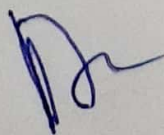


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company. Therefore, from the plaint of three civil suits filed by defendant, it is apparent that defendant had not advanced any loan to plaintiff no.1 company nor any assurance was given by plaintiff no.2 or his wife that the alleged loan being taken by them from defendant would be invested in the plaintiff no.1 company. Therefore, submissions made by ld.counsel for defendant in this regard are nothing but an after thought and are required to be rejected.

35. Further, subject of the email dated 18.04.2020 is with regard to "corrupt practices of the Directors of the plaintiff no.1 company" and in the body of email, defendant had alleged about taking of loan of Rs.3 Crores by plaintiff no.2 being the Director of plaintiff no.1 company and has further alleged



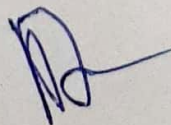
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regarding duping of investors by plaintiff no.1 company and plaintiff no.1 company not paying the dues of his drivers and other suppliers. Therefore, contents of the email dated 18.04.2020 do not in any way show that a complaint is made to police against plaintiff no.2 and his wife with regard to non-return of alleged loan.

36. Further, defendant has not placed any document in support of his allegations showing which of the investors have been duped by plaintiff no.1 company and which of the drivers and supplier had grievance against plaintiff no.1 company regarding non-payment of their dues.

37. Further, emails dated 18.04.2020 and 03.05.2020 are not only addressed to Commissioner of Police but have been addressed to



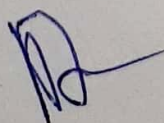
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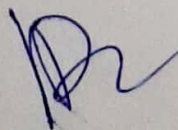


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various authorities i.e. stock exchange, police, various supplier companies of plaintiff no.1 company, bankers, its employees and Directors.

38. If the contention of Ld.counsel for defendant is to be accepted that defendant had only made a complaint to the police authority regarding non-payment of his dues vide emails dated 18.04.2020 and 03.05.2020, then its hard to believe as to why said emails were addressed to other persons like bankers, investors, suppliers, employees and Directors of plaintiff no.1 company, who had no concern with the alleged non-payment of dues by plaintiff no.2 and his wife. The main reason for damaging the reputation of plaintiff no.1 company prima facie appears to be the matrimonial dispute which is going on between the defendant and



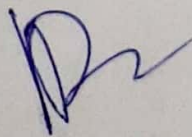
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sister of plaintiff no.2. Therefore, prima facie, it is made out that both emails dated 18.04.2020 and 03.05.2020 have been maliciously written by defendant to harm the reputation of plaintiff no.1 company even though plaintiff no.1 company was not having any kind of financial dealing with the defendant.

39. Further, irreparable loss will be caused to the reputation of plaintiff no.1 company if defendant is not enjoined from publishing defamatory material against plaintiff no.1 company as it is having good reputation and goodwill in the logistics business in the country as averred in the plaint.

40. Further, balance of convenience also lies in favour of plaintiff as it is likely to suffer more harm if injunction is refused. Hence, **the application**




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filed by plaintiffs is allowed and defendant, his associates, entities, agents, representatives, employees etc. are restrained during the pendency of the suit from publishing or circulating any defamatory material against plaintiffs in any form i.e. through internet or social media platform like Facebook, Instagram, email, whatsapp or in any other form. Nothing expressed herein shall tantamount to expression of any opinion on merits of the case. The application under order XXXIX Rule 1 and 2 CPC is, accordingly disposed of.

Announced in the Open Court
Dated: 13.05.2020


(Vikas Dhull)
Additional District Judge -01
THC/West/Delhi