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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 2029/2024 CM APPL. 21454/2025**

LAKSHMI MURDESHWAR PURI

.....Petitioner

Through: Mr. Maninder Singh, Sr. Adv. with
Ms. Meghna Mishra, Ms. Palak
Sharma, Mr. Shreyansh Rathi, Mr. R.
Mohan and Mr. Amarpal Singh,
Advs.

versus

SAKET GOKHALE

.....Respondent

Through: Mr. Amarjit Singh Bedi and Mr.
Harsha Vinoy, Advs. along with
Respondent in-person.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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09.05.2025

1. Pursuant to the previous order, *Mr. Saket Gokhale*, Respondent, is present in Court.
2. On 28th February 2025, the Court had issued directions to the respondent to be present in Court on the next date of hearing.
3. On 15th April 2025, when the matter came up, it was mentioned by the counsel for the respondent that the respondent is unwell and is undergoing COVID test, but no medical documents had been presented; direction was given that same will be filed within the next two days.
4. *Mr. Amarjit Singh Bedi*, Counsel appears on behalf of *Mr. Saket Gokhale* and states that the same was not filed and has handed them up to



the Court today.

5. From what has been handed up to the Court, it is noted that it is just booking of a Covid test, however, no report is appended.

6. Counsel for the respondent states that the report was negative, and, therefore, it has not been appended. The Court is surprised at this assertion and the callous manner in which directions of the Court are being dealt with.

7. The basic issue arises out of alleged wilful disobedience of a judgment of this Court dated 01st July 2024 in CS(OS) 300/2021.

8. The suit was decreed in the following terms:

This suit coming on this day for final disposal before this Court in the presence of counsel for the parties as aforesaid; it is ordered that a decree be and the same is hereby passed against defendant No.1 directing defendant No.1:

- to publish an apology on his own Twitter handle from which he had put-out the offending tweets, as also prominently in the Times of India newspaper (Delhi Edition, size : 6cm x 7 cm on page 3) within 04 (four weeks) from today i.e. 01.07.2024, stating the following:

"Apology

I unconditionally apologise for having put-out a series of tweets against Amb. Lakshmi Murdeshwar Puri* on 13th & 23rd June 2021, which tweets contained wrong and unverified allegations in relation to the purchase of property by Amb. Puri abroad, which I sincerely regret.



The apology so tweeted shall be retained on defendant No. 1's Twitter handle for a period of 06 (six) months from the date it is put-out.

It is further ordered that defendant No.1 shall be restrained from publishing any further tweet or any other content on any social-media or other electronic platform in relation to the imputations made in the offending tweets.

It is lastly ordered that defendant No.1 shall pay to the plaintiff damages in the sum of Rs. 50 lacs within 08 (eight) weeks from today i.e. 01.07.2024 (copy of order dated 01.07.2024 enclosed).

9. It is an admitted position that no steps were taken by the respondent to challenge the same till recently, when they filed the application under Order IX Rule 13 of CPC, in January 2025.
10. A condonation of delay application was also filed stating the reasons why there was delay in filing the said application. The said application has now been dismissed by a detailed judgment of a Coordinate Bench of this Court dated 02nd May 2025.
11. *Mr. Maninder Singh*, Senior Counsel for the petitioner, has drawn attention of this Court to various passages of this judgment *inter alia* extracted as under:



49. A perusal of the averments made in the present application, coupled with the submissions advanced by the learned counsel appearing on behalf of applicant/defendant No.1, reveals that an attempt has been made to establish that no Court notice was ever received by the said defendant. It is further contended that no formal intimation regarding the discharge of counsel, who had been duly engaged by applicant/defendant No.1, was communicated to him.

50. In light of the above legal position and judicial pronouncements, it is evident that the essential test under Order IX Rule 13 of the CPC, post-amendment, is not limited to the technicality of formal service of summons but centers on whether the applicant/defendant No.1 had actual notice of the proceedings and adequate time to respond. Once these conditions are satisfied, the plea of irregular service cannot be used as a ground to set aside an ex parte decree. In the present case, the applicant/defendant No.1 proceeded to file his written statement, it clearly establishes that he had sufficient knowledge of the suit and ample opportunity to defend himself. Therefore, he cannot now take recourse to Order IX Rule 13 to challenge the proceedings on the ground of non-service or irregular service of summons.

51. Furthermore, no provision of law has been brought to the attention of this Court that mandates repeated issuance of Court notices during the pendency of proceedings merely because a party has chosen to abandon its participation. The issuance of Court notice, appears to have been resorted to out of abundant caution rather than legal necessity. What truly matters is that the applicant/defendant No.1 had notice of the plaint and the claims made therein, an aspect which remains undisputed. Accordingly, the contention that the Court notice was not duly served holds no merit. Even otherwise, the applicant/defendant No.1 has to blame himself for the alleged non-service.



57. Upon cumulative appraisal of the material on record and the submissions made, the following factual position emerges:

- i. The applicant/defendant No. 1 entered appearance in the civil suit through duly engaged counsel, who filed a Vakalatnama—an engagement which is undisputed.
- ii. A written statement was filed on behalf of the applicant/defendant No. 1.
- iii. The address furnished along with the written statement has remained unchanged throughout the proceedings, with no steps taken to update it.
- iv. On 02.07.2024, the applicant/defendant No. 1 became aware of the judgment and decree passed in the suit on 01.07.2024.
- v. Despite such knowledge, no action was taken until 19.08.2024 to challenge the judgment—well beyond the thirty (30) day limitation prescribed for filing an application under Order IX Rule 13 CPC.
- vi. No specific or sufficient explanation has been offered for this delay in approaching the Court.
- vii. Furthermore, the applicant/defendant No. 1 received notice of the execution petition (EX. P. 112/2024) on 20.12.2024.
- viii. The following step came only in January 2025, when the applicant/defendant No. 1 claims to have engaged counsel for drafting the present application, indicating a prolonged and unexplained gap between August 2024 and January 2025.



58. In conclusion, while “sufficient cause” for the purposes of Order IX Rule 13 of CPC must be interpreted flexibly, the Court is bound to consider the overall circumstances of each case. Ordinarily, if a defendant approaches the Court promptly within the limitation, and their absence was shown to be bona fide and not malafide or intentional, discretion may be exercised. However, in cases where a party is fully aware of the pendency of proceedings, as well as the judgment and decree rendered, and willfully refrains from taking timely legal action, they must bear the consequences of conscious inaction.

59. Furthermore, once a party is represented in a case, it is his/her responsibility to remain apprised of the progress of the matter. In the present era of e-Courts and e-filing systems, where all proceedings are accessible through the Court's website, the applicant/defendant No. 1, being an educated person, had ample opportunity to stay informed. The fact that applicant/defendant No. 1 was aware of the suit and filed his written statement but failed to follow up with the progress of the case until it was too late demonstrates a lack of diligence. Thus, the applicant/defendant No.1 cannot now claim that his absence was in good faith.

60. In light of these considerations, this Court finds that the applicant/defendant No. 1 has failed to establish any “sufficient cause” of his non-appearance. The reasons provided are superficial and unconvincing, pointing instead to a deliberate abandonment of the proceedings. The negligence and lack of bona fide efforts on the part of applicant/defendant No. 1 cannot be accepted.

12. From a perusal of the judgment, it is clear that the Coordinate Bench of this Court, has taken into account and discussed/ analyzed *in extenso* submissions made by the respondent with regard to the reasons why the suit was disposed of *ex parte*.

13. *Mr. Amarjit Singh Bedi*, Counsel for the respondent, states that they



are in the process of filing an appeal against the same and the period of limitation of the said appeal is still subsisting.

14. Counsel for the respondent states, on instructions of the respondent, that they are ready to give their apology in a sealed cover in the terms as decreed to the Court, which can later be published, subject to the result of the appeal, if and when they file it, within the statutory period.

15. As regards the damages which have been decreed, he states that the same has been secured by virtue of an attachment order passed in *Execution Petition No.112/2024* by order dated 24th April 2025.

16. *Mr. Maninder Singh*, Senior Counsel for the petitioner, however, contends that the attachment in question is only of the salary and there are various accounts which have not been disclosed by the respondent.

17. He states that as regards the statutory period of limitation for respondent to challenge the decree, the same expired in August 2024 itself. Moreover, considering a detailed decision has been given by the Court dismissing the Order IX Rule 13 CPC application, the apology ought to be published.

18. In view of the above facts and circumstances, in the opinion of this Court, there is no reason why the Court should take the apology in a sealed cover and then wait for the result of an appeal against the dismissal of Order IX Rule 13 CPC application, as and when the appeal is filed and adjudicated. Considering that the decree was passed in July 2024, no challenge was preferred in the statutory period, the challenge which was finally preferred was dismissed with a detailed judgment, and the respondent has simply tarried, ligered and procrastinated, but still not complied with the judgment/decreed.



19. The respondent is a Parliamentarian and a reputed member of the society. More than ten months have passed and till date there is no order that they have secured from the Court which would impede the compliance of the judgment/decreed dated 01st July 2024.
20. Accordingly, the proposal of placing the apology in a sealed cover is rejected and the apology as directed by the judgment/decreed shall be published within the next two weeks, in the manner decreed.
21. As regards the other aspects of the matter relating to wilful non-compliance, they shall be considered subsequently after hearing the parties on these aspects.
22. List on 12th September 2025.
23. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 9, 2025/MK