

Misc (J) Case No. 156/2026
Title Suit No. 85/2026

11.02.2026

IN THE COURT OF CIVIL JUDGE (SR.DIV) NO-1,
KAMRUP(M), GUWAHATI

Present: Shri Nayan Jyoti Sarma, A.J.S
 Civil Judge (Sr.Div) No-1,
 Kamrup(M), Guwahati

- 1 Petitioner/plaintiff is represented.
- 2 The instant Misc Case is registered on the basis of an application filed by the petitioner/plaintiff under Order 39 Rule 1 & 2 r/w section 151 CPC seeking ad-interim injunction restraining the O.Ps/ defendants, from making, statements, and printing, publishing, circulating and disseminating any news item, in furtherance of the news items under the headings - (i) **"RAAJYAT NAAME-BENAAME SAMPATTI KROY - MUKHYA MANTRIR PARIYAALOR 12 HEJAAR BIGHAA BHUMI"**, and (ii) **"HIMANTA BISWA KAARO NAHAY JAARE GHANISTHA HOICHE, TAREI PITHIT CHURI BAHUAAICHE"**, published by the O.Ps/defendants in "Asomiya Pratidin" in its issue dated 05-02-2026, which can cause or has the potential to harm and damage the fame, reputation and goodwill of the petitioner/plaintiff till disposal of the suit.
- 3 Heard the learned counsel for the petitioner who argued that the matter may be treated as very urgent and the prior notice to O.Ps may be waived


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- 4 I have perused the injunction application, pleading in the main suit and the documents relied upon by the petitioner. The main suit is filed by the plaintiff/petitioner for damages for defamation.
- 5 The contentions of the petitioner/plaintiff shorn off unnecessary detail is that the petitioner/plaintiff is a well-known politician of India, a Member of Assam Legislative Assembly from Jalukbari Assembly constituency which he is representing for the fifth consecutive terms and presently holding the post of Chief Minister, Assam. The Petitioner/plaintiff, who belongs to a reputed family of Guwahati, is a Doctorate of Philosophy (Ph.D.) and a LL.B. degree holder, possesses a wide range of knowledge and experience in the socio-economic and political scenario of the North eastern region of India. The petitioner/plaintiff is a successful politician and a dynamic leader and has been able to carve a niche in the matter of human resource development and public relations. He is also involved in various social activities in the State of Assam and holds a prestigious position in the society. The O.P/ defendant No. 1, namely, Sri Gourav Gogoi, O.P/ defendant No. 2, namely, Sri Jitendra Singh, O.P/ defendant No. 3, namely, Sri Bhupesh Baghel, are politicians by profession and leaders of Indian National Congress. O.P/defendant No. 4, namely, "Asomiya Pratidin", is an Assamese language daily newspaper, to


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be represented by the O.P/ defendant No. 5, i.e. Sri Jayanta Baruah, the Proprietor and Editor of "Asomiya Pratidin". The O.P/defendant No. 5, namely, Sri Jayanta Baruah is the Proprietor and Editor of the newspaper "Asomiya Pratidin". The O.P/defendant No. 6, namely, Sri Jatin Choudhury, is the Printer and Publisher of the newspaper "Asomiya Pratidin". The O.P/defendant No. 7 is one Staff Reporter of "Asomiya Pratidin". On Thursday, the 5th February, 2026, the above-named O.P/ defendant Nos. 4 to 7 published two news items, under the headlines (i) **"RAAJYAT NAAME-BENAAME SAMPATTI KROY - MUKHYA MANTRIR PARIYAALOR 12 HEJAAR BIGHAA BHUMI"**, and (ii) **"HIMANTA BISWA KAARO NAHAY JAARE GHANISTHA HOICHE, TAREI PITHIT CHURI BAHUAAICHE"**, in the first page (Page No.1) of "Asomiya Pratidin", in the Guwahati edition of the newspaper. The said news items, written by the Guwahati based Staff Reporter/s (Pratidin Sangbad) of the newspaper, whose name has not been disclosed, was prepared, as indicated in the news items itself, on the basis of certain remarks made by the O.P/defendant Nos. 1, 2 and 3, i.e., Sri Gaurav Gogoi, Jitendra Singh and Bhupesh Baghel, in a press conference addressed by them, jointly, at Guwahati on 04-02-2026, at Rajib Bhawan, Guwahati. In the said news items, both dated


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05-02-2026, the O.P/defendant Nos. 1 to 3 made some remarks against the petitioner/ plaintiff herein and his wife, including the statement, specifically naming the petitioner/ plaintiff herein, that the Chief Minister, i.e. the petitioner/plaintiff, and his wife is occupying 12 thousand bighas of land in the State. Specifically quoting the O.P/defendant No. 1, the news items reported, -which is translated in English as follows- ***"Chief Minister Himanta Biswa Sarma purchased such amount of land in the nooks and corners of the state in the name of his wife and other family members that the exact amount of which is still unable to be quantified....."*** As reported in the said news items the O.P/defendant No. 1 further alleged, as reported, that the petitioner/plaintiff herein is **"impolite and arrogant Chief Minister", "family businessman and land grabber", "most corrupt Chief Minister", "traitor", "betrayer politician", "liar Chief Minister of all time", etc.** In the said news reports the O.P/defendant No. 3, namely Bhupesh Baghel, has been quoted as saying – that the petitioner/ plaintiff herein is a **"Master fraudster"** and he has **"frauded all his intimates"** and **"a gang including his wife has plundering in Assam"**. As has been reported in the second news item, under the heading - **"HIMANTA BISWA KAARO NAHAY JAARE GHANISTHA HOICHE, TAREI**


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PITHIT CHURI BAHUAAICHE", the opposite party/defendant No. 2, i.e. Jitendra Singh, has been quoted as has been saying – "**Himanta Biswa Sarma has sold Assam. Himanta Biswa Sarma and his family is doing business by selling Assam.**" He further has been quoted as has been said – that **the petitioner/plaintiff and his family have brought in their name 12 thousand bighas of land. Petitioner/ plaintiff herein stabbed a former Chief Minister and became Chief Minister through back door. Petitioner/plaintiff herein has imposed "HBS Tax" in the state. There is Louis Berger, Sarada, PM Sampada, North Cachar Hills scams against the petitioner/ plaintiff. Etc.** According to the petitioner/plaintiff herein, such remarks made by the O.P/defendant No. 1 to 3 and published by the other O.Ps/ defendants being O.P/defendant No. 4 to 7, by any standard, are extremely defamatory and derogatory. It is alleged that the newspaper "Asomiya Pratidin", while publishing the said defamatory news items both dated 05-02-2026, under the headlines (i) "**RAAJYAT NAAME-BENAAME SAMPATTI KROY - MUKHYA MANTRIR PARIYAALOR 12 HEJAAR BIGHAA BHUMI**", and (ii) "**HIMANTA BISWA KAARO NAHAY JAARE GHANISTHA HOICHE, TAREI PITHIT CHURI BAHUAAICHE**", clearly indicated that that the


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statements, quoted in the news items, was made by the O.P/defendant Nos. 1 to 3, in the press conference addressed by them, jointly, at Guwahati on 04-02-2026. It is further stated that the said defamatory news items were reported, printed, published and disseminated by the O.P/defendant Nos. 4 to 7, in the front page of the newspaper "Asomiya Pratidin" only to attract the notice of the general public at large and to give wide publicity to the aforesaid news items and allegations and accusations contained therein, deliberately made by the O.P/defendant No. 1 to 3. The petitioner further stated that, in the said defamatory news items dated 05-02-2026, specific allegations and accusations of very serious nature have been leveled against the petitioner/plaintiff herein, specifically naming him, on the basis of remarks made by the O.P/defendant Nos. 1 to 3, jointly, in a press conference held at Guwahati, and the other O.P/defendant No. 4 to 7 prepared, printed, published and disseminated the said new items dated 05-02-2026, in their newspaper "Asomiya Pratidin", completely disregarding the basic minimum requirement of natural justice, without even giving any opportunity to the petitioner/plaintiff herein to explain the authenticity of the allegations leveled against him by the O.P/defendant Nos. 1 to 3. It is further alleged that in the aforesaid defamatory news items dated 05-02-2026, written,


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printed, published and circulated by the above named O.P/defendant Nos. 4 to 7, in their newspaper "Asomiya Pratidin" under the headings(i) "**RAAJYAT NAAME-BENAAME SAMPATTI KROY - MUKHYA MANTRIR PARIYAALOR 12 HEJAAR BIGHAA BHUMI**", and (ii) "**HIMANTA BISWA KAARO NAHAY JAARE GHANISTHA HOICHE, TAREI PITHIT CHURI BAHUAAICHE**", reprehensible insinuations had been casted upon the petitioner/plaintiff herein, leveling allegations and accusations, which may be summarized as under –

- i. Petitioner/plaintiff and his wife have brought in their name 12 thousand bighas of land,
- ii. Petitioner/plaintiff and his wife purchased such amount of land in the nooks and corners of the state in their name that the exact amount of which is still unable to be quantified,
- iii. Petitioner/plaintiff herein is an impolite and arrogant Chief Minister, he is a family businessman and land grabber, most corrupt Chief Minister, traitor, betrayer politician, he is the liar Chief minister of all time, etc.,
- iv. Petitioner/plaintiff has sold Assam. Petitioner/plaintiff and his wife are doing business by selling Assam,
- v. Petitioner/plaintiff herein stabbed a former Chief Minister and became Chief Minister through back door.
- vi. Petitioner/plaintiff herein has imposed "HBS Tax" in the state,
- vii. Petitioner/plaintiff is involved in Louis Berger, Sarada, PM Sampada, North Cachar Hills scams. Etc.,.


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- 6 Now, on perusal of the plaint and injunction petition along with documents, it is evident that vide injunction petition, the petitioner has prayed for restriction to be imposed on the O.Ps/ defendants from publishing, circulating or disseminating any further defamatory statements concerning the petitioner along with other reliefs.
- 7 It is evident that the petitioner/plaintiff is the Chief Minister of Assam and having high status in the society. He has filed the instant petition for restraining the opposite parties from publishing the defamatory contents without any basis. The allegation against the opposite parties are that the opposite parties 4 to 7 published the defamatory news "**RAAJYAT NAAME-BENAAME SAMPATTI KROY - MUKHYA MANTRIR PARIYAALOR 12 HEJAAR BIGHAA BHUMI**", and (ii) "**HIMANTA BISWA KAARO NAHAY JAARE GHANISTHA HOICHE, TAREI PITHIT CHURI BAHUAAICHE**" in their daily newspaper on the behest of the opposite parties 1 to 3 who are the leaders of a political party. Now, prior to decide the said petition I want to rely on observations of the Hon'ble Apex Court regarding Art 19 of the constitution vis-a-vis Article 21 of the constitution.

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(i) Bloomberg television Production Service India Private Ltd. & Ors. Vs. Zee Entertainment


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Enterprise Ltd.(2025)1 Supreme Court Cases the Hon'ble Apex Court in para 9 observed that- *"In essence, the grant of a pre-trial injunction against the publication of an article may have severe ramifications on the right to freedom of speech of the author and the public's right to know. An injunction, particularly ex-parte, should not be granted without establishing that the content sought to be restricted is 'malicious' or 'palpably false'. Granting interim injunctions, before the trial commences, in a cavalier manner results in the stifling of public debate. In other words, courts should not grant ex-parte injunctions except in exceptional cases where the defence advanced by the respondent would undoubtedly fail at trial. In all other cases, injunctions against the publication of material should be granted only after a full-fledged trial is conducted or in exceptional cases, after the respondent is given a chance to make their submissions."*

(ii) In another case of *Express Newspapers Pvt. Ltd. & Ors vs. Union Of India*, AIR 1986 SC 872, the Supreme Court speaking through A.P. Sen, J. emphasized that though the freedom of press is an inalienable right, but the same is not absolute and is subject to Article 19 (2) as uncontrolled right to speech leads to anarchism. The Supreme Court observed thus: "I would only like to stress that the freedom of thought and expression, and the


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freedom of the press are not only valuable freedoms in themselves but are basic to a democratic form of Government which proceeds on the theory that problems of the Government can be solved by the free exchange of thought and by public discussion of the various issues facing the nation. It is necessary to emphasize and one must not forget that the vital importance of freedom of speech and expression involves the freedom to dissent to a free democracy like ours. Democracy relies on the freedom of the press. It is the inalienable right of everyone to comment freely upon any matter of public importance. This right is one of the pillars of individual liberty freedom of speech, which our Court has always unflinchingly guarded. I wish to add that however precious and cherished the freedom of speech is under Art.19(1)(a), this freedom is not absolute and unlimited at all times and under all circumstances but is subject to the restrictions contained in Art. 19(2). That must be so because unrestricted freedom of speech and expression which includes the freedom of the press and is wholly free from restraints, amounts to uncontrolled licence which would lead to disorder and anarchy and it would be hazardous to ignore the vital importance of our social and national interest in public order and security of the State."



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(iii) In Umesh Kumar Vs. State of Andhra Pradesh And Another, reported as (2013) 10 SCC 591, wherein the Hon'ble Supreme Court has held as under:

"18. Allegations against any person if found to be false or made forging someone else's signature may affect his reputation. Reputation is a sort of right to enjoy the good opinion of others and it is a personal right and an enquiry to reputation is a personal injury. Thus, scandal and defamation are injurious to reputation. Reputation has been defined in dictionary as "to have a good name; the credit, honour, or character which is derived from a favourable public opinion or esteem and character by report". Personal rights of a human being include the right of reputation. A good reputation is an element of personal security and is protected by the Constitution equally with the right to the enjoyment of life, liberty and property. Therefore, it has been held to be a necessary element in regard to right to life of a citizen under Article 21 of the Constitution. The International Covenant on Civil and Political Rights, 1966 recognises the right to have opinions and the right to freedom of expression under Article 19 is subject to the right of reputation of others. Reputation is "not only a salt


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of life but the purest treasure and the most precious perfume of life".

(iv) (a) In Subramanian Swamy Vs. Union of India And Others., (2016) 7 SCC 221, wherein the Hon'ble Supreme Court has held that reputation cannot be allowed to be crucified at the altar of others right to free speech.

Reference is made from following paragraphs:

"144. ... We are in respectful agreement with the aforesaid enunciation of law. Reputation being an inherent component of Article 21, we do not think it should be allowed to be sullied solely because another individual can have its freedom. It is not a restriction that has an inevitable consequence which impairs circulation of thought and ideas. In fact, it is control regard being had to another person's right to go to court and state that he has been wronged and abused. He can take recourse to a procedure recognised and accepted in law to retrieve and redeem his reputation. Therefore, the balance between the two rights needs to be struck. "Reputation" of one cannot be allowed to be crucified at the altar of the other's right of free speech. The legislature in its wisdom has not thought it appropriate to abolish criminality of defamation in the obtaining social climate."


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(b) Another observation of the Hon'ble Apex Court is also relevant in the present case where it has categorically been held that protection of individual right is imperative for social stability in a body polity, and when harm is caused to an individual, the society as a whole is affected. Hon'ble Supreme Court held as follows:

"80. ... The law relating to defamation protects the reputation of each individual in the perception of the public at large. It matters to an individual in the eyes of the society. Protection of individual right is imperative for social stability in a body polity and that is why the State makes laws relating to crimes. A crime affects the society. It causes harm and creates a dent in social harmony. When we talk of society, it is not an abstract idea or a thought in abstraction. There is a link and connect between individual rights and the society; and this connection gives rise to community interest at large. It is a concrete and visible phenomenon. Therefore, when harm is caused to an individual, the society as a whole is affected and the danger is perceived."


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From the observations of the Apex Court as discussed it is evident that the freedom of expression in press and media is the part of Article 19(1) of the Constitution of India where by all the citizens have a right to express

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their view. However, the said right of the expression is also not absolute but is subjected to the reasonable restrictions imposed by the Parliament or State in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of Court, *defamation* or incitement to an offence. The said position is clear from the plain reading of the Article 19(1) and (2) of the Constitution of India.

- 10 It is evident that three fundamental principles are to be satisfied for granting ad- interim injunction i.e prima facie case , balalnce of convenience and irreparable loss and injury.

Prima facie case

Prima facie case does not mean that the plaintiff should have a cent percent case which will in all probability succeed in trial. Prima facie case means that the contentions which the plaintiff is raising, require consideration in merit and are not liable to be rejected summarily.

{Prakash-**SinghV/sStateofHaryana2002(4)CivilL.J.7
1(P.H.)}****BalanceofConvenience:**

To see balance of convenience, it is necessary to compare case of parties, comparative mischief or inconvenience which is likely to sue from

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withholding the injunction will be grater than which is likely to arrive from granting it.

Irreparable loss:

There are many injuries in capable of being repaired but a court of equity does not regard the same as irreparable'. For example cause which outrage the feeling or loss of things of sentimentalvalue. On the other hand there are injuries which in their nature may be repaired but still treated as irreparable. For example a person who is inflicting or threatening someone as insolvent or unable to pay damages. Ordinarily injury is irreparable when without fair and reasonable address of Court, it would be denial of justice. Very often an injury is irreparable where it is continuous and repeated or where it is remediable at law only by a multiplicity of suits. Sometime the term irreparable damage refers to the difficulty of measuring the amount of damages inflicted. However, a mere difficulty in proving injury does not establish irreparable injury.

Now, in this case from the materials on record, it is evident that the petitioner is the Chief Minister of Assam having high status in the society and his reputation has been dented before the society and he has to suffer mentally due to the impugned defamatory publication by the O.Ps/defendants without any authentic documents or subsistence proof. Hence, after going through the


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documents submitted by the petitioner/plaintiff along with the plaint and in the light of necessary documents available before the Court at present this Court finds that a prima facie case is established in favour of the petitioner/plaintiff. The balance of convenience is also in his favour because if there is no interference from the Court at this stage his reputation will be at stake and his position is more inconvenient compare to the defendants. Moreover, there is every possibility of causing inconvenience to the petitioner/plaintiff and chances of suffering irreparable loss and injury by the plaintiff/petitioner which cannot be compensated by money.

12 To sum up the aforesaid discussion, this Court is of considered opinion that if an order of ad-interim injunction is not passed as prayed for, it will defeat the justice and there is every possibility of creation of multiplicity of proceedings.

13 Hence, an order of ad-interim prohibitory injunction is passed restraining the O.Ps/ defendants from making, publishing, circulating or disseminating any further defamatory statements or materials concerning the petitioner regarding the news item published on 5/2/2026 in the Assamese daily Pratidin i.e " **RAAJYAT NAAME-BENAAME SAMPATTI KROY - MUKHYA MANTRIR PARIYAALOR 12 HEJAAR BIGHAA**

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BHUMI", and (ii) "HIMANTA BISWA KAARO NAHAY JAARE GHANISTHA HOICHE, TAREI PITHIT CHURI BAHUAAICHE" till the appearance of the O.Ps/defendants before the Court.

- 14 Issue show-cause notice against the O.Ps/ defendants asking them as to why the ad-interim injunction order passed today by this Court shall not be made absolute.
- 15 The petitioner is hereby directed to take step upon the O.P by serving the copy of plaint, copies of documents relied upon and copy of this order through registered post within 24 hours from the date of passing of this order as per order XXXIX R 3 of CPC.
- 16 The petitioner is also directed to submit an affidavit after complying all these requirements before the Court.
 Fixing 09/03/2026 for SR/appearance.

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True copy of the order dt. 11/2/26, passed in Misc J 156/26 (TS 85/26) is forwarded to the Adv. Counsel of petitioner for favour of kind information.



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 (B. Asst-II)