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Delhi High Court - Orders

H.H. Lokanath Swami vs Ms. Saraswati Sara Richardson Jones & ... on 15 September, 2025

Author: Purushaindra Kumar Kaurav

Bench: Purushaindra Kumar Kaurav

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
\+ CS(OS) 704/2024
H.H. LOKANATH SWAMI
.....Plaintiff
Through:
Mr. Rakesh Taneja, Mr. Shivang and
Mr. Ashutosh, Advs.

versus

MS. SARASWATI SARA RICHARDSON JONES
& ORS.
.....Defendants
Through: Mr. Vivek Sood, Sr. Adv with Mr.
Ajay Garg, Mr. Uday Garg, Ms.
Anusha Garg, Ms. Pankhuri Jain, Ms.
Medhavi Judevi and Mr. Amitanshu
Satyarthi, Advs for D-1.
Mr. Ajay Garg, Mr. Uday Garg, Ms.
Anusha Garg, Ms. Vanshika Gupta,
Ms. Bhavya Gabi and Mr. Soumil
Singh Rawat, Advs for D-2.
Ms. Amee Rana, Mr. Akhil Sandilya
and Mr. Tanuj Sharma, Advs for D-3.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV
ORDER

% 15.09.2025 I.A. 38213/2024 (BY PLAINTIFF FOR INJUNCTION)

1. Having briefly heard learned counsel for the parties, the Court finds that the defendants, by way of their written statements, have justified the comments made in the public domain.

2. Mr. Rakesh Taneja, who appears for the plaintiff, however, contends that the entire enquiry report and other material will have to be looked into This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/09/2025 at 22:13:09 in their right perspective. According to him, the imputations made against the plaintiff are wholly baseless and unjustified.

3. At this stage, looking at the nature of the material already available in the public domain, the Court finds that after 10.08.2024, no further publications have been made by the defendants on social media, reiterating the same allegation.

4. Under these circumstances, instead of passing any interim order, at this stage, or dealing with the instant application on merit, the Court disposes of this application granting liberty to the plaintiff to approach the Court in event any further precipitative steps are taken by the defendants qua the social media posts, which have already been posted, and are subject matter of the instant civil suit.

5. The application stands disposed of.

CS(OS) 704/2024 and I.A. 47938/2024, I.A. 7452/2025

6. List this matter on 15.10.2025 for taking up further necessary steps in accordance with the extant rules.

7. Thereafter, list before the Court on the date to be assigned by the Joint Registrar.

PURUSHAINDRA KUMAR KAURAV, J SEPTEMBER 15, 2025 aks/sp This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/09/2025 at 22:13:09

Text of the Delhi High Court order as published by Indian Kanoon: https://indiankanoon.org/doc/17612106/

[Cites 4, Cited by 0]

Delhi High Court

H.H. Lokanath Swami vs Ms. Saraswati Sara Richardson Jones & ... on 17 September, 2026

Author: Sachin Datta

Bench: Sachin Datta

$~27
* IN THE HIGH COURT OF DELHI AT NEW DELHI
% Date of Decision: 17.09.2026

CNR No.DLHC010572222024
\+ CS(OS) 704/2024
H.H. LOKANATH SWAMI
.....Plaintiff
Through: Mr. Rakesh Taneja, Advocate.

versus

MS. SARASWATI SARA RICHARDSON JONES & ORS.

.....Defendants
Through: Mr. Ajay Garg, Mr. Uday Garg, Ms. Anusha Garg, Ms. Nishtha Kumar and Ms. Ananya Pandey, Advocates for D-1 and D-2.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

I.A. 12129/2026 (ON BEHALF OF THE APPLICANTS/DEFENDANT NO.1 & 2 UNDER ORDER VIII RULE 1A (3) READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908)

1. By way of this application, the defendant nos.1 and 2 seek leave of this Court under Order VIII Rule 1-A(3) read with Section 151 of Code of Civil Procedure (CPC), 1908, to place on record the additional documents filed vide Diary No.1857426/2025 on 17.03.2025.

2. The present suit is for injunction and recovery of damages for alleged defamation founded on certain posts stated to have been made by the defendant nos.1 and 2, on a social media platform, concerning the plaintiff.

3. The defendant nos.1 and 2, in their written statement, have pleaded that the posts are true and constitute a fair comment made in public interest. In support of that plea, they have relied upon, and filed along with their written statement, a report of a Case Panel constituted by the Governing Body Commission (hereinafter referred to as "GBC") of the International Society for Krishna Consciousness (hereinafter referred to as "ISKCON") concerning the plaintiff (hereinafter referred to as the "Panel Report").

4. The written statement of the defendant nos.1 and 2, dated 28.09.2024, along with the accompanying documents and affidavit of admission/denial was placed on record as noted in the order dated 11.11.2024 of the Joint Registrar (Judicial).

5. The plaintiff in the affidavit of the admission/denial of the documents of the defendant nos.1 and 2, placed on record vide Diary No.5144879/2024 on 11.11.2024, denied the Panel Report. In the replication to the written statement of the defendant nos.1 and 2 filed on 23.11.2024, which was taken on record on 31.10.2025 in terms of the order dated 15.10.2025 of the Joint Registrar (Judicial), the plaintiff asserted that the Panel Report is not the official report of ISKCON and that the website on which it appears does not appear to be an official website of ISKCON.

6. It is in this backdrop that the defendant nos.1 and 2 filed the additional documents. The documents, as described in paragraph 7 of the application, comprise of the following:-

7. Vide order dated 14.01.2026, the learned Joint Registrar (Judicial) directed the plaintiff to file a Joint Document Schedule after obtaining the comments and signatures of the counsel for the defendant nos. 1 and 2.

8. It is at that stage that the learned counsel for the plaintiff refused to include the additional documents in the Joint Document Schedule on the ground that the leave of the Court under Order VIII Rule 1A(3) of the CPC had not been taken.

9. The present application thereupon has been filed on 22.04.2026. Notice was issued vide order dated 30.04.2026. The plaintiff has filed a reply and the rejoinder has also been filed by the defendant nos.1 and 2.

10. Learned counsel for the defendant nos.1 and 2 submits that the foundation of the defence is the Panel Report which was duly filed along with the written statement. It is submitted that the additional documents are corroborative material that speaks to the provenance and official character of that report.

11. It is submitted that the need to place and file the above arose only when the plaintiff, in its replication and affidavit of admission/denial, denied that the report was an official document of ISKCON.

12. On the other hand, learned counsel for the plaintiff opposes the present application. He submits that the application is belated and an afterthought, having been filed only after the plaintiff pointed out the absence of leave during the preparation of the Joint Document Schedule.

13. He submits that the documents pre-date the institution of the suit and filing of the written statement and were therefore, within the knowledge, power, and possession of the said defendant nos. 1 and 2 at the time when the written statement was filed.

14. It is submitted that it is implicit from the written statement itself that the documents were well within the knowledge of the defendant nos. 1 and 2, yet the said defendants chose not to file the same at the relevant point in time. He submits that permitting the defendant nos.1 and 2 to file the additional documents at this stage would expand the scope of the controversy and delay the suit.

REASONING

15. Order VIII Rule 1A of the CPC requires a defendant who has founded its defence upon a document, or relies upon any document in their possession or power in support of their defence, to enter it in a list and produce it in Court when the written statement is presented. Sub-Rule (3) provides that a document which ought to have been so produced, but was not, "shall not without the leave of the Court be received in evidence on his behalf at the hearing of the suit".

16. The provision, thus, does not shut out the document; it conditions its filing upon the leave of the Court. The principles governing grant of such leave have been expounded upon by the Supreme Court in Sugandhi and Another v. P. Raj Kumar, (2020) 10 SCC 706, wherein it has been held as under:-

> "8. Sub-rule (3), as quoted above, provides a second opportunity to the defendant to produce the documents which ought to have been produced in the court along with the written statement, with the leave of the court. The discretion conferred upon the court to grant such leave is to be exercised judiciously. While there is no straight jacket formula, this leave can be granted by the court on a good cause being shown by the defendant.

> 9. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents under sub-rule (3)."

17. In Levaku Pedda Redamma & Ors. v. Gottumukkala Venkata Subbamma & Anr., SLP (C) No.7452/2022 [order dated 17.05.2022], the Supreme Court, setting aside the orders which had refused the defendant's leave to produce documents, observed that the Trial Court and the High Court have "gravely erred in law in not permitting the defendants to produce documents, the relevance of which can be examined by the trial Court on the basis of the evidence to be led, but to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice" and that "even if there is some delay, the trial Court should have imposed some costs rather than to decline the production of the documents itself".

18. At the same time, as pointed out by a Co-ordinate Bench of this Court in Naresh Arneja v. Atul Gupta, CM (M) 965/2022, CM APPL.40534/2022 and CM APPL.40535/2022 [decided on 14.09.2022], the leniency mandated by Sugandhi (supra) pre-supposes that good cause is shown. The application must contain an explanation, howsoever brief, as to why the documents were not filed earlier and why they are relevant for adjudication of the controversy.

19. Tested on the above principles, the present application must succeed.

20. The explanation offered by the defendant nos.1 and 2 cannot be said to be vague. The documents on which the defence is founded, is mainly the Panel Report, was filed along with written statement. The additional documents do not change the foundation of the defence; rather, they are material directed toward establishing that the Panel Report emanated from, and was acted upon by, the Governing Body of ISKCON, and that the website on which the same, as also the corrected material, was published is operated by ISKCON.

21. The need to place such material on record arose when the plaintiff, in its replication and in its affidavit of admission/denial, denied the official character of the report as well as the website, and put the defendant nos. 1 and 2 to strict proof thereof.

22. The submission that the documents pre-date the suit is not determinative of the matter. The relevant aspect is whether good cause has been shown for their not having been filed earlier. The circumstances in which the defendant nos.1 and 2 have been impelled to file these additional documents have been set out in the application, and this Court is satisfied that the necessity for the same arises from the pleadings of the parties.

23. The plaintiff's plea of prejudice is unsubstantiated. Issues are yet to be framed, and the admission/denial of the defendant nos.1 and 2's documents, as well as the marking of exhibits, is yet to take place before the Joint Registrar.

24. As such, the plaintiff will necessarily have full opportunity to file his affidavit of admission/denial in respect of the additional documents, to file documents in rebuttal, and to test the documents in cross-examination.

25. In the circumstances, the application is allowed.

26. The additional documents are taken on record.

27. It is clarified that nothing in this order shall be construed as an expression of opinion on the genuineness, authenticity and admissibility, mode of proof or evidentiary value of the documents sought to be placed on record.

28. All rights and contentions of the plaintiff in this regard are expressly reserved.

29. The application is disposed of in the above terms. CS(OS) 704/2024

30. List before the Joint Registrar (Judicial) on 08.01.2027.

SACHIN DATTA, J SEPTEMBER 17, 2026/r,sd