

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Sandip Kumar De

F.M.A. 801 of 2026
IA No: CAN 1 of 2026

Sri Manojit Moulik
Vs.
Sri Pranab Roy

For the appellant	:	Mr. Sourav Sen, Snr. Adv. Mr. Dipak Ranjan Mukherjee
For the respondent	:	Mr. Soumya Majumder, Snr. Adv. Mr. Siddharth Sharma Mr. Rishab Dutt Mr. Kaustav Banerjee Mr. Roshan Sengupta Ms. Hansika Upadhyay
Heard on	:	31.08.2026
Judgment on	:	31.08.2026

Sabyasachi Bhattacharyya, J.:-

1. The present appeal has been preferred against an order whereby *ex parte* injunction has been granted till disposal of the temporary injunction application.
2. The appeal arises out of a suit for defamation.
3. By the impugned order, the defendant/appellant has been restrained from publishing, circulating, posting or disseminating

any defamatory or disparaging statements related with the plaintiff/respondent or his deceased father in any manner whatsoever until further order as well as to freeze the impugned articles posted by the defendant/appellant in his Facebook account concerning the plaintiff/respondent and his deceased father immediately on communication of the said order by taking appropriate steps to that effect to stop further access to those articles to be made by any individual using internet or otherwise till disposal of the injunction application.

4. Learned senior counsel appearing for the appellant argues that the learned Trial Judge overlooked the “Bonnard principle”, as reiterated in *Bloomberg Television Production Services India Private Limited and others vs. Zee Entertainment Enterprises Limited*, reported at (2025) 1 SCC 741, whereby, an injunction ought not to be granted for the asking, thereby stifling free speech, if the defendant says that he intends to justify the publication or article on the ground of fair comment or a matter of public interest.
5. It is further contended that in view of the defence of truth being available to the defendant/appellant, the learned Trial Judge ought not to have granted injunction.
6. By placing reliance on the annexures to the injunction application filed in the trial court, learned senior counsel

submits that the second post which is impugned in the suit does not refer to the plaintiff/respondent at all and as such, could not be the subject matter of injunction.

- 7.** Learned senior counsel further argues that the grant of injunction till the disposal of the temporary injunction application is contrary to the principles laid down in Order XXXIX Rules 1, 2 and 3A of the Code of Civil Procedure.
- 8.** We admit the appeal and take it up for final hearing in view of the issues involved being short.
- 9.** Learned senior counsel appearing for the plaintiff/respondent contends that the impugned social media posts are outright derogatory and defamatory against the plaintiff and as such the learned Trial Judge was justified in granting the injunction order.
- 10.** In any event, the defendant/appellant would not be aggrieved in the event the defendant does not have any intention to defame or derogate the plaintiff/respondent.
- 11.** Learned senior counsel submits that in the plaint itself, the veracity and truth of the contents of the impugned posts have been categorically denied by the plaintiff/respondent.
- 12.** As such, learned senior counsel submits that the impugned order ought to be sustained.

- 13.** We take note of the fact that during arguments, learned senior counsel for the appellant has admitted on instruction that the appellant is an employee of the Cricket Association of Bengal (CAB), being a part of its media cell.
- 14.** We find from the first impugned post that the same is indeed derogatory and insulting to the plaintiff/respondent and projects the plaintiff/respondent in bad light.
- 15.** The said post is as follows:
- “বাবার আলোয় আলোকিত মিডিয়ার কয়েকজনের তোল্লাই খেয়ে অযৌক্তিক দাবি করছেন। সিএবি এত খারাপ! আপনি তো অ্যাপেক্স কাউন্সিলের মেম্বার! সিসিটিভি ফুটেজ এভাবে দাবি করতে পারেন? সিএবিকে মেল পাঠিয়ে ওয়েট না করে তা মিডিয়াকে শেয়ার করা কোন মহৎ উদ্দেশ্য? সিএবি গ্রুপে আমন্ত্রণপত্র দিয়েছিল বলেই জানি। সোশ্যাল মিডিয়াতেও জানানো হয়। না দেখা আপনার ব্যর্থতা। বা দেখেও বিতর্কের অপেক্ষায় ছিলেন। মদনদা তবু ফোন করেছিলেন। অ্যাপেক্স কাউন্সিলের মেম্বারের কোটার পুরো টিকিট তোলার জন্য ফোনের অপেক্ষায় না থেকে তো নিজেই আগেভাগে হাজির হয়ে যান বলে শুনলাম। অথচ বাবাকে শ্রদ্ধা জানাতে এত নাটক। আপনি বাসি ফুলের দুর্গন্ধ ছড়াচ্ছেন প্রণবদা।”
- 16.** Although the defendant/appellant seeks shelter under the Bonnard principle, which has been reiterated in *Bloomberg Television (supra)*, we find from the very language of the first post that the defendant/appellant admits therein that the allegations made against the plaintiff are hearsay.
- 17.** Since the said allegations are admittedly hearsay insofar as the appellant is concerned, the defence of truth cannot be available

to the appellant at all, for the simple reason that the appellant did not have personal knowledge about such statements as per his own admission.

- 18.** Moreover, the crux of the Bonnard principle lies in protecting free speech and leaving it unfettered where public interest or at least some element of public interest is involved.
- 19.** Even in *Bloomberg Television (supra)*, the Hon'ble Supreme Court reiterated that the court will not restrain the publication of an article, even though it is defamatory, when the defendant says he intends to justify it or to make fair comment on a matter of public interest.
- 20.** However, the expression "truth" has various shades.
- 21.** The mere perception of a person cannot be passed off as truth.
- 22.** From the impugned first post, it is evident that the clear insinuations therein are designed to malign the plaintiff/respondent and there is no question of any public interest or fair comment involved. The contents of the same are judgmental, being based on the appellant's perception more than a narration of truth.
- 23.** The very basis of the said post is an intention to demean the respondent in the public eye.
- 24.** We cannot also rule out the fact that the said post itself makes it evident that it is intended to protect the interest of the CAB,

since it specifically refers to a mail allegedly sent by the plaintiff to the CAB.

- 25.** Thus, as the appellant is admittedly a part of the media cell of the CAB, an underlying intention to protect the interest of the CAB in a bid to malign the plaintiff cannot also be ruled out.
- 26.** Furthermore, the sarcasm writ large all over the first post is palpable and as such, it cannot be said that the same serves any public interest or is a fair comment from any perspective.
- 27.** Accordingly, the Bonnard principle is not applicable at all.
- 28.** Even otherwise, at the *ex parte* ad interim stage, there arises no question of the defendant taking the plea of free speech or fair comment.
- 29.** Be that as it may, we cannot find any *ex facie* direct connection between the second impugned post and the plaintiff/respondent.
- 30.** However, in view of the learned Trial Judge having primarily directed the defendant/appellant to freeze the impugned articles posted by him in his social media account and to desist from publishing, circulating, posting or disseminating any defamatory or disparaging statements related with the plaintiff connected with his deceased father, before an adjudication of the temporary injunction application on merits upon the written objection of the defendant/appellant coming on record, it would

be premature to comment on the veracity of the plaintiff allegations.

- 31.** The sarcasm and intended disparagement explicit in the impugned posts itself is sufficient for grant of interim injunction.
- 32.** We must further take note of the fact that although in paragraph no.9 of the plaint, which has been heavily relied on by the appellant, certain references of a controversy has been made, the impugned posts do not merely refer to such controversy but have been written in the first person of the appellant as his own opinion and, as such, the appellant cannot take the defence of referring to such public controversy in the impugned post.
- 33.** In view of the above, we do not find any reason or scope of interfering with the impugned order.
- 34.** However, since the defendant/appellant assures us through counsel that he will file his written objection to the temporary injunction application in the trial court by September 7, 2026 with an advance copy of the plaintiff/respondent, we direct the defendant/appellant to do so.
- 35.** Subject to such written objection being filed and served on the respondent within September 7, 2026, the learned Trial Judge shall take up the injunction application for hearing on the next date fixed, that is, on September 8, 2026 and dispose of the same positively within September 15, 2026.

- 36.** We make it clear that the merits of the respective contentions of the parties have not been conclusively decided by this court and it will be open to both sides to argue all points before the learned Trial Judge, upon which the learned Trial Judge shall decide the temporary injunction application and the suit of their own merits without being unduly influenced by any of the observations made above.
- 37.** FMA 801 of 2026 is accordingly dismissed on contest in the light of the above observations, thereby affirming the impugned order dated June 10, 2026 passed by the learned Civil Judge, Senior Division, Second Court at Alipore, District-South 24 Parganas in Money Suit No.441 of 2026.
- 38.** Consequentially, CAN 1 of 2026 is also disposed of.
- 39.** There will be no order as to costs.
- 40.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Sandip Kumar De, J.)

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