

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

F.A.O.No.07/2014

Community Appraisal and Motivation Programme

Versus

Ibrahim Khan

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	07.11.2019	Barrister Adeel Aftab, for the appellant Raja Muhammad Farooq, Advocate for the respondent.

Through the instant appeal, the appellant, Community Appraisal and Motivation Programme, impugns the order dated 04.12.2013, whereby the plaint in the appellant's suit for defamation, was returned under Order VII, Rule 10 of the Code of Civil Procedure, 1908 ("C.P.C.").

2. Learned counsel for the appellant submitted that the respondent had defamed the appellant by sending emails dated 28.09.2012, 19.09.2012, 09.08.2012 and 06.08.2012; that one of the said e-mails was copied to a person who is based in Islamabad; that the said e-mails contained untrue and defamatory materials regarding the appellant; and that the learned Civil Court erred by returning the plaint since it had the territorial jurisdiction to adjudicate upon the suit in question. Learned counsel for the appellant prayed for the appeal to be allowed and for the impugned order dated 04.12.2013 to be set-aside.

3. On the other hand, learned counsel for the respondent submitted that no cause of action had accrued to the appellant within the territorial jurisdiction of the Court of the learned District Judge, Islamabad; that the learned Trial Court was correct in holding that it did not have

the jurisdiction to adjudicate upon the matter since the respondent did not reside within the territorial jurisdiction of the said Court; and that the e-mails in question had also not been sent to any person in Islamabad. Learned counsel for the respondent prayed for the appeal to be dismissed.

4. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

5. On 08.11.2012, the appellant had filed a suit under Section 9 of the Defamation Ordinance, 2002 against the respondent before the Court of the learned District Judge, Islamabad. In the said suit, the appellant had prayed for an award of Rs.100 million as damages in its favour. The appellant's case was that the respondent's e-mails dated 28.09.2012, 19.09.2012, 09.08.2012 and 06.08.2012 contained untrue and defamatory materials against the appellant, and that the appellant had been lowered in the estimation of all the persons to whom the said e-mails were addressed.

6. It is an admitted position that the respondent does not reside in Islamabad. It is also admitted that the persons to whom the said e-mails have been addressed also do not reside in Islamabad. Only one person namely, Naveed Ahmad to whom e.mail dated 19.09.2012 was copied is based in Islamabad. The appellant's case is not confined to it having been lowered only in the estimation of Naveed Ahmad. Therefore, the dominant nexus of the appellant's suit was not within the territorial

jurisdiction of the learned District Court, Islamabad.

7. Finding no illegality in the impugned order dated 04.12.2013, the instant appeal is dismissed with no order as to costs.

**(MIANGUL HASSAN AURANGZEB)
JUDGE**

Sultan*