

**Present:**

**Mr. Justice Sheikh Abdul Awal**

**and**

**Mr. Justice Md. Mansur Alam**

In the Matter of:

**First Miscellaneous Appeal No. 303 of 2014**

Robi Axiata Limited represented by its  
Managing Director

.....Plaintiff-appellant

**-Versus-**

Daily Jugantor represented by its Acting  
Editor and others

.....Defendant-respondents

Mr. Kazi Ershadul Alam with

Mr. Ragib Kabir, Advocate

..... For the appellant.

Mr. Md. Yusuf Ali, D.A.G

..... For the Government

**Heard on 28.04.2025, 06.05.2025 and**

**Judgment on 06.05.2025**

**Sheikh Abdul Awal, J:**

This First Miscellaneous Appeal is directed against the order dated 17.07.2014 passed by the learned Joint District Judge, 1<sup>st</sup> Court, Dhaka in Money Suit No. 65 of 2014 rejecting the application under Order XXXIX, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction.

The brief facts relevant for disposal of this first miscellaneous appeal is that the appellant as plaintiff filed Money Suit No. 65 of 2014 in the Court of the learned Joint District Judge, 1<sup>st</sup> Court, Dhaka praying the following reliefs:

- (i) A money decree of BDT 100,00,00,000/- (Taka One hundred Crores) in favour of the plaintiff and against

the defendants No. 1-3 along with 20% interest per annum till realization of the decretal amount.

- (ii) A decree of permanent injunction against the defendants restraining them from publishing any news whatsoever about the plaintiff, its employees, officers, agents, subsidiaries and its products and services.
- (iii) A decree for costs of the suit
- (iv) Any other decree or relief or order that this plaintiff may be entitled to.

After institution of the suit, the plaintiff-appellant filed an application under Order XXXIX, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction restraining the defendants from publishing any further reports about the plaintiff, its employees, officers, agents, subsidiaries and its products and services etc.

The learned Joint District Judge, 1<sup>st</sup> Court, Dhaka after hearing the application by order No.7 dated 17.07.2014 rejected the application for temporary injunction holding that the plaintiff has/had no prima-facie arguable case for getting an order of injunction.

Being aggrieved by the aforesaid impugned order passed by the learned Joint District Judge, 1<sup>st</sup> Court, Dhaka the present appellant has preferred this First Miscellaneous Appeal before this Court.

Mr. Kazi Ershadul Alam, the learned Advocate for the appellant in the course of his arguments takes us through the impugned order together with plaint of the suit and other materials on record and then submits that the daily newspaper namely, “The Daily Jugantor” with ill motive published one after another defamatory false news without any basis against Robi Axiata and accordingly finding no other way the appellant Robi Axiata as plaintiff filed the instant money suit claiming Tk. 100 Crores against the defendant Nos. 1-3 along with 20% interest

per annum till realization of decretal amount and thereafter, filed an application for injunction praying for direction for not to publish any illegal damaging news against the appellant Robi Axiata by annexing defamatory news published in the daily Jugantor although learned Joint District Judge without applying his judicial mind into the facts and circumstances of the case and the contents of the news published in “The Daily Jugantor” mechanically rejected the application for injunction holding that there is no prima-facie arguable case for getting an order of injunction. The learned Advocate further submits that the learned Joint District Judge in rejecting the application for injunction observed that the daily newspaper published the correct news publicly, which is not incorrect or illegal and such observation of the trial Court below is illegal beyond scope of law without taking any evidence whatsoever. Finally, the learned Advocate relying on the decisions reported in AIR 1982 Madhya Pradesh 47 and AIR 2006 Mad 197 submits that the grounds taken in the application for injunction that news published in the daily newspaper are false and defamatory against Robi Axiata with ill motive by the defendant-respondents and the same must come within the ambit of Order 39, Rule 1 and 2 of the Code of Civil Procedure although the trial Court below wrongly rejected the application.

Mr. Md. Yusuf Ali, the learned Deputy Attorney General, appearing for the Government, on the other hand, supports the impugned order, which was according to him just, correct and proper. The learned Deputy Attorney General submits that the respondent Daily Jugantor published some news against the appellant Robi Axiata and the appellant Robi Axiata filed Money Suit No. 65 of 2014 claiming Tk. 100 Crores and in that suit appellant Robi Axiata also filed an application for injunction restraining the Daily Jugantor from publishing any news against Robi Axiata is misconceived and not tenable in law and the learned trial Judge committed no wrong in

rejecting the the application for temporary injunction from publishing news against the appellant.

Having heard the learned counsels for both the parties and having gone through the materials on record including the impugned order, the only question that calls for our consideration in this appeal is whether the trial Court committed any error of law in rejecting the application under Order XXXIX, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction.

On scrutiny of the record, it appears that the daily Jugantor published a series of news against appellant Robi Axiata on several dates under the caption- “সিম বদলের নামে রবির ৬৪৭ কোটি টাকা কর ফাঁকি”, “৩.৫ জি নামে রবির প্রতারণা”, “বেনামে কোম্পানি খুলে বছরে হাজার কোটি টাকা পাচার”, “রবি মাসে ৩শ কোটি টাকার অবৈধ ভিওআইপি করছে”, “চাকরি যাচ্ছে রবির ২ হাজার কর্মী: আন্দোলনের প্রস্তুতি”, “এগারো বছরে রবি আত্মসাৎ করে তরঙ্গ ফির ১ হাজার কোটি টাকা”, “আন্দোলনের অভিযোগে রবির শতাধিক কর্মী বরখাস্ত” And, the appellant Robi Axiata aggrieved thereby filed Money Suit No. 65 of 2014 claiming Tk. 100 Crores and permanent injunction against the defendants ( authorities of Daily Jugantor newspaper) .

The trial Court after hearing the application by order No.7 dated 17.07.2014 rejected the application for temporary injunction on the finding that- “উপর্যুক্ত অবস্থায় দেখা যায় যে, বিবাদী দৈনিক যুগান্তর পত্রিকায় যে খবর সমূহ প্রকাশিত হইয়াছে উহাতে অতিরঞ্জিত কিংবা অসত্য তথ্য নাই। বরং প্রকৃত তথ্য প্রকাশিত জনসম্মুখে প্রকাশ করিয়াছে করিয়াছে।”. The learned trial Court also observed that- “গনপ্রজাতন্ত্রী বাংলাদেশ সরকারের বৃহৎ করদাতা ইউনিট, মূল্য সংযোজন কর অফিস হইতে প্রধান নির্বাহী কর্মকর্তা Robi Axiata Limited এর কাছে ৪০০,০৮,৬৪,২৫,৬৩১/- টাকা প্রাথমিক দাবী করিয়াছে। পরবর্তীতে ১৭/০৫/১৪ খ্রিঃ তারিখে একই অফিস হইতে ৬.২৯,৫৬,০৭৪/- টাকা, একই তারিখে ১৪,২৫,৭৪,৭৪৭/- টাকা, একই তারিখে ১৭৩,৯৩,১২,১৪০/-টাকা, ১৪/০৫/১৪ খ্রিঃ তারিখে ৪৬,৬৮,৭৮,৫৭৪/-টাকা দাবী করিয়াছে। তাহাছাড়া উক্ত অফিস হইতে বিশেষ বাহক যোগে সিম রি-

গ্লেসমেন্ট এর নামে রাজস্ব ফাঁকির জন্য Robi Axiata Limited কে ৬৫৪,৯৯,৮৪,৮২৬/- টাকার কর ফাঁকি প্রসঙ্গে কারণ দর্শানোর নোটিশ ইস্যু করিয়াছে। তাহাছাড়া মাননীয় ডাক ও তারমন্ত্রী Robi Axiata Limited এর কর ফাঁকির বিষয়টি জাতীয় সংসদে উপস্থাপন করিয়াছে।” In a case of this nature without taking evidence it is very difficult to hold that whether the news published in daily Jugantor against Robi Axiata is correct or false without taking any evidence.

However, in a case of this nature filed by the Roby claiming Tk. 100 Core against the daily Jugantor and in that suit the plaintiff filed an application for injunction restraining the daily Jugantor from publishing any defamatory news against them appears to us not tenable in law. If a particular article amounts to defamation, then the Publisher, Author or Editor as the case may be, can be dealt with in accordance with law. In general, a newspaper cannot be prior restrained from publishing any particular news through an injunction based solely on the monetary or reputation damages it might cause. Therefore, we are of the view that the learned Joint District Judge committed no wrong in not granting discretionary relief in favour of the plaintiff-appellant.

On going through the available materials on record together with the impugned order it appears to us that the learned Joint District Judge, 1<sup>st</sup> Court, Dhaka on assigning sound reason rejected the application for temporary injunction. We find no substance in either of the contentions as raised by the learned Advocate for the appellant. The decisions cited are distinguishable on facts. No interference is, therefore, called for.

By the way, it may be mentioned that the Publisher, Author or Editor of the newspaper before publishing any damaging or defamatory news must be cautious and careful as to truthfulness of the report.

In any view of the matter, having regard to the fact as aforesaid, this appeal must fail.

In the result, the appeal is dismissed without any order as to costs.

Since the appeal is dismissed, the connected Rule being Civil Rule No. 661 (FM) of 2014 is discharged.

Communicate this order at once.

**Md. Mansur Alam, J:**

I agree.=