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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 573/2022

GURJIT KAUR

..... Plaintiff

Through: Ms. Shyel Trehan and Mr. Rohan Poddar, Advocates.

versus

HARPERCOLLINS PUBLISHERS INDIA PRIVATE LIMITED &  
ANR. .... Defendants

Through: Ms. Swathi Sukumar with Ms. Ashima Obhan, Ms. Himangi Kapoor, Ms. Seerat Bhutani, Mr. Naveen Nagarajuna, Mr. Pratyush Rao and Mr. Ritik Raghuwanshi, Advocates for D-1.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

% **15.09.2022**

**I.A. 15111/2022 (for exemption)**

1. Subject to the plaintiff filing the original/ legible/ typed copies of any documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

**I.A. 15112/2022 (for Extension of time in filing of Court Fees)**

3. The requisite Court Fees be filed within one week.

4. The application stands disposed of.

**CS(OS) 573/2022**

5. Let the plaint be registered as a suit.
6. Issue summons in the suit.
7. Summons are accepted on behalf of the counsel appearing for the defendant no.1.
8. Summons be issued to the defendant no.2 through all modes.
9. The summons shall state that the written statement(s) shall be filed within thirty days. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff.
10. Liberty is granted to the plaintiff to file replication(s) to the written statement(s) within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants, be filed by the plaintiff.
11. List on 18<sup>th</sup> November, 2022.

**I.A. 15110/2022 (O-XXXIX R-1 & 2 of CPC)**

12. The present suit has been filed seeking relief of permanent and mandatory injunction as well as damages against the defendants no.1 and 2.
13. The subject matter of the suit is a book titled 'Will Power', authored by the defendant no.2 who was former coach of the Indian Hockey Team. The Book is scheduled to be release on 21<sup>st</sup> September, 2022.
14. It is the case of the plaintiff that in the Book, the author, defendant no.2, has divulged certain confidential information that was shared by the plaintiff with the defendant no.2 in confidence, while he was the coach of the Indian Hockey Team. The said confidential information relates to a medical condition which the plaintiff is stated to have been suffering from.

A manuscript of the Book titled 'Will Power' has been handed over to me in a sealed cover in the Court by the counsel for the plaintiff.

15. Counsel for the plaintiff contends that divulging of such confidential information amounts to violation of the Code of Conduct of Hockey India, which has been signed by the defendant no.2. Reliance in this regard is placed on Clause 20 of Hockey India/ Hockey India League Code of Conduct and Sanctions.

16. Counsel appearing on behalf of the defendant no.1, on advance notice, submits that there is nothing confidential about the said medical condition of the plaintiff as it is known to all the other team members as well. She further contends that the plaintiff being a public figure/sports personality cannot have right to privacy with regard to the same.

17. She submits that the medical conditions of athletes have always been a subject matter of debate and therefore, the plaintiff cannot have any right to privacy. It is further submitted on behalf of counsel appearing on behalf of the defendant no.1 that before publishing the Book, the defendant no.2 had, in fact, discussed this issue with the plaintiff, which is denied by the plaintiff.

18. Issue notice.

19. Notice is accepted on behalf of the counsel for the defendant no.1.

20. Notice be issued to the defendant no.2 through all modes.

21. Reply(ies) be filed within four weeks.

22. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

23. Having heard the counsels for the parties, I am not inclined to pass an *ad interim* order staying the launch of the Book, without giving the defendants an opportunity to place their stand on affidavit. My reasons for

not passing an *ad interim* order are as follows:

- (i) The Plaintiff does not deny that she suffers from the medical condition.
  - (ii) There cannot be any confidentiality or privacy with regard to a medical condition of a sports personality. On a regular basis, there are news reports about injuries and medical conditions of sports personalities. Reference may be made to compilation of such articles handed over by the counsel for the defendant in Court.
  - (iii) If the plaintiff has been playing with this medical condition for many years, the medical condition cannot remain confidential.
  - (iv) The manuscript of the Book reveals that the Plaintiff told all other team mates of this medical condition and they all rallied around her.
  - (v) There are laudatory references to the plaintiff in the manuscript of the Book that despite the medical condition of the plaintiff, she has achieved success in the international field.
24. Therefore, for all the aforesaid reasons, no prejudice can be caused to the plaintiff by the publication of the Book. Therefore, balance of convenience requires that no *ad interim* order is passed staying the release of the Book.
25. List on 18<sup>th</sup> November, 2022.

**AMIT BANSAL, J.**

**SEPTEMBER 15, 2022**

*at*