



2025:DHC:6077-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 22.07.2025

Judgment pronounced on: 28.07.2025

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MAT. APP. (F.C.) 264/2025 & CM APPL. 43584/2025

PANKAJ JAIN

.....Appellant

Through: Appellant in-person

versus

PARUL JAIN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

ANIL KSHETARPAL, J.

1. The present Appeal has been filed under Section 28 of the Hindu Marriage Act, 1955 [hereinafter referred to as "HMA"] read with Section 19 of the Family Courts Act, 1984 seeking to challenge the Order dated 29.03.2025 [hereinafter referred to as "Impugned Order"] passed by the learned Judge, Family Court-01, West District, Tis Hazari Courts, Delhi [hereinafter referred to as the "Family Court"] in HMA No. 1089/2018 titled *Parul Jain v. Pankaj Jain*, whereby the Appellant's application dated 17.08.2021 under Section 22 of the Hindu Marriage Act, 1955 seeking injunctive relief against the Respondent, her brother, and her employer from disclosing or disseminating details of the matrimonial litigation and related custody



proceedings, was dismissed.

2. The brief facts in which the present Appeal arises pertain to the marriage between the parties, solemnized on 22.04.2006 according to the Hindu rites and ceremonies in Delhi. Out of the said wedlock, a girl child was born on 11.02.2013. Thereafter, matrimonial discord arose between the parties, and multiple proceedings came to be instituted, including the institution of HMA No. 1089/2018 by the Respondent-wife seeking dissolution of marriage.

3. During the pendency of the said proceedings, the Appellant filed four separate applications dated 17.08.2021, 05.12.2022, 10.09.2023, and 30.05.2024 under Section 22 of the HMA. In these applications, the Appellant alleged that the Respondent, her brother, and her employer had disclosed confidential details relating to the ongoing matrimonial proceedings and related custody disputes to third parties, including in collateral civil and criminal litigations, thereby infringing the confidentiality mandated under Section 22 of the HMA. It was, *inter alia*, contended that such disclosures were made to the Respondent's employer, who subsequently referred to them in a civil suit pending before this Court, and to authorities and institutions such as police officials, schools attended by the minor child, and also formed part of a complaint filed under the POCSO Act. The Appellant, therefore, sought injunctive directions against the Respondent and the aforementioned individuals from further circulating or relying upon any part of the matrimonial record.

4. Vide Order dated 29.03.2025, the learned Family Court, upon considering the record and the submissions, declined to grant the



reliefs sought by the Appellant. The learned Family Court considered the applications filed by the Appellant collectively as raising substantially similar grievances and dismissed all four by a common impugned order. It was held that no case for breach of Section 22 of the HMA was made out, as the disclosures in question had neither been printed nor published in the public domain or on any social platform. The learned Family Court further observed that the references made by the Respondent and her brother to the pendency of the matrimonial proceedings were in response to various legal actions initiated by the Appellant himself, including criminal complaints and professional inquiries, and thus constituted a legitimate exercise of their right to defence. The Court, placing reliance on the broader principles of fair trial and the right to defend oneself, concluded that no statutory violation of confidentiality had been occasioned so as to warrant the issuance of injunctive relief. Accordingly, all four applications filed by the Appellant under Section 22 of the HMA were dismissed by way of the Impugned Order.

5. Being aggrieved by the dismissal of his application, the Appellant has approached this Court by way of the present Appeal, *inter alia*, seeking the setting aside of the aforesaid Impugned Order.

6. The Appellant, who appears in person, submits that the learned Family Court has erred in adjudicating the application filed by the Appellant under Section 22 of the HMA, inasmuch as it has failed to appreciate the facts and circumstances of the present case in their correct perspective. It is contended by the Appellant that despite specific averments and material placed on record indicating that the



Respondent, her brother, and her employer had disclosed confidential details of the matrimonial litigation to third parties and various *fora*, the learned Family Court has erroneously concluded that no contravention of Section 22 of the HMA had occurred. He further contends that such disclosures made, though not made in the public media, amounted to publication “in relation to the proceedings” within the meaning of the provision and prejudiced not only the privacy of the litigating parties but also that of the minor child.

7. The Appellant further contends that the learned Family Court failed to consider that the statutory scheme under Section 22 of the HMA is intended to preserve the sanctity and confidentiality of matrimonial disputes and a narrow construction of the expression “publication” defeats the legislative intent. He also submits that the learned Family Court placed undue reliance on the Respondent’s defence of “right to fair trial” without examining the necessity or proportionality of the disclosures made, particularly in light of the Respondent’s alleged conduct of sharing court documents with her employer and other authorities without the leave of the Court. The Appellant further submits that the learned Family Court overlooked binding precedent on the mandatory nature of in-camera proceedings and the prohibition on disclosure under Section 22 of the HMA, as well as the potential harm such disclosures may cause to the dignity and privacy of the parties and their minor child.

8. In support of his submissions, the Appellant has placed reliance on the decision in ***R. Sukanya v. R. Sridhar***, [MANU/TN/1115/2008], wherein the Madras High Court interpreted Section 22 of the HMA



and observed that the purpose of in-camera proceedings is to protect the privacy and dignity of the parties, and that any unauthorised publication of such proceedings could attract penal consequences under sub-section (2). However, the said decision does not advance the case of the Appellant in the present facts. The learned Family Court rightly distinguished between *publication* and *reference in a legal defence*, holding that the Respondent and her brother merely referred to the pendency of the matrimonial proceedings in response to complaints filed by the Appellant. There is no material on record to suggest that the Respondent or her relatives printed or published the details of the matrimonial case in the public domain so as to attract the mischief of Section 22 of the HMA.

9. We have considered the submissions of the Appellant and perused the record; however, we do not find any merit in the same.

10. In order to appreciate the issue raised in the present Appeal, it is necessary to examine the scope and purpose of Section 22 of the HMA. The said provision reads as under:

“22. Proceedings to be in camera and may not be printed or published.

(1) Every proceeding under this Act shall be conducted in camera and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to one thousand rupees.”

11. A plain reading of Section 22 of the HMA makes it evident that the legislative intent behind the provision is to safeguard the privacy



of parties involved in matrimonial proceedings. The mandate is two-fold — first, that all proceedings under the Act must be held *in camera*, and second, that printing or publishing any matter relating to such proceedings is prohibited, except with the prior permission of the Court, and only in respect of judgments of the High Courts or the Supreme Court. The mischief sought to be curbed by the provision is the unnecessary and potentially prejudicial dissemination of sensitive matrimonial details in the public domain.

12. However, the prohibition under Section 22 of the HMA is not absolute in scope. What is barred is *publication* in the sense of making such material publicly accessible through print or other media. The disclosures allegedly made by the Respondent, her brother, and employer, as noted by the learned Family Court, were not made to the public or in the press, but in specific legal and administrative contexts — in response to complaints initiated by the Appellant himself. Such references were invoked to defend against proceedings filed by the Appellant, including criminal and regulatory complaints. Even references made in a POCSO complaint by the Respondent, though serious in nature, cannot be equated with publication under Section 22 of the HMA, where they arise in the course of seeking redressal through appropriate legal channels. In this context, the learned Family Court rightly held that the Respondent and others were not engaging in prohibited publication, but were availing their legal right to defend themselves in collateral proceedings, where reference to the matrimonial litigation was material and relevant.

13. It is also pertinent to note that during the course of hearing, this



Court specifically queried the Appellant as to the precise manner in which the alleged “publication” under Section 22 of the HMA had taken place. However, no satisfactory explanation was forthcoming. The Appellant was unable to point out any instance where the confidential details of the matrimonial proceedings had been printed, circulated, or otherwise made publicly accessible in a manner that would fall within the mischief of “publication” as contemplated under the said provision. This omission further undermines the Appellant’s contention and reinforces the finding that no actionable breach of confidentiality has been made out.

14. In our considered view, the learned Family Court has correctly appreciated the factual matrix and has arrived at a reasoned conclusion that no case was made out for grant of any injunction, much less one contemplated under Section 22 of the HMA. The disclosures in question were not found to be in breach of the statutory embargo on publication, as they were made in the context of defending separate proceedings initiated by the Appellant himself and did not amount to printing or publishing information in the public domain. This Court is further of the view that permitting such references in a *bona fide* legal defence, especially when occasioned by the Appellant’s own actions, cannot be construed as a violation of confidentiality. To hold otherwise would amount to allowing Section 22 of the HMA to be used as a shield to suppress material facts in related legal proceedings, thereby defeating the ends of justice.

15. In view of the aforesaid discussion on facts and law, we do not find any reason to interfere with the Impugned Order passed by the



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learned Family Court.

16. Having found no merit in the Appeal, the same, along with the pending application, is accordingly dismissed.

17. However, we make it clear that observations made hereinabove shall not affect the merits of the case pending before the learned Family Court, which shall be decided uninfluenced by any observations made herein.

ANIL KSHETARPAL, J.

HARISHVAIDYANATHANSHANKAR, J.

JULY 28, 2025/jn/pl