

US court dismisses \$20 mn lawsuit against anti-Sonia ad

A third US court has dismissed a \$20 million defamation suit filed by the Indian National Overseas Congress (INOC), which claimed that an advertisement in the New York Times maligned its parent party, its president Sonia Gandhi and her son Rahul.

The defamation case arose from a full-page advertisement in the New York Times on Oct 6, 2007, levelling several charges against Congress president Sonia Gandhi and her son Rahul during the United Progressive Alliance (UPA) chairperson's visit to the UN.

The case was 'dismissed with prejudice', meaning the matter cannot be tried again, by New Jersey's Middlesex County Judge Nicholas J. Stroumtsos Wednesday.

The defendants in the case were Satya Dosapati, Naresh Sharma, Sunanda Thali, Mahatma Gandhi Centre and Hindu Temple International Foundation, and Hindu International Council Against Defamation.

Stroumtsos found that last August Monmouth County Superior Court Judge Patricia DelBueno Cleary had 'properly dismissed the case' but left the matter for open for re-litigation.

Cleary had dismissed the case holding that the INOC was not the proper party and did not have the locus standi to bring a claim of defamation because none of the statements were of or about it.

The INOC had earlier filed two separate cases relating to the advertisement, one in New Jersey and another in New York, seeking \$100 million in actual, compensatory, and punitive damages in addition to costs and disbursements, legal fees and other relief that the court might consider proper.

The INOC withdrew the case in New York after the dismissal of the case in New Jersey. But it later filed a third case in Middlesex County by amending the complaint to allege that its parent party the Indian National Congress was defamed instead of Sonia Gandhi.

However, Stroumtsos found that INOC was still not the proper party as it had brought the defamation under an alleged assignment from its party, which was invalid and void. Also, according to a Supreme Court ruling, libel or slander is 'an injury to a person', rather than a party.

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