

**WWW.LIVELAW.IN**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION (L) NO. 4786 OF 2021**  
**IN**  
**SUIT (L) NO.4783 OF 2021**

Nikhil Dwivedi .. Applicant/Plaintiff  
v/s.  
Kamaal Rashid Khan & Ors. .. Defendants

Dr. Virendra Tulzapurkar, Sr. Advocate, a/w Kartikeya Desai & Asad Mazgaonwala i/b. Kartikeya & Associates for the plaintiff.

Mr. Shailesh Poria i/b. Economic Laws Practice for the defendant nos.2, 3 & 4.

**CORAM : A. K. MENON, J.**  
**DATED : 3<sup>RD</sup> MARCH, 2021.**

**P.C. :**

1. In a suit alleging defamation and claiming damages, the plaintiff seeks ad-interim relief against the 1<sup>st</sup> defendant from publishing or re-publishing or distributing or disseminating in any manner, directly or indirectly the offending "Reviews" as the 1<sup>st</sup> defendant has titled them in respect of the plaintiff. Ad-interim relief is sought in terms of prayer clauses (a) and (b) of the interim application.

2. Dr. Tulzapurkar in support submits that defendants have been served. Affidavits of service and an Additional affidavit dated 3<sup>rd</sup> March, 2021 are tendered. The same are perused and returned for filing in the registry. Defendant no.1 is absent on call despite service of notice. As far as defendant nos.2 to 8 are concerned, the learned counsel appearing today undertakes to file appearance and affidavit in reply.

3. The facts in brief are that the plaintiff is an actor, cinematographer, producer and is a shareholder of Saffron Entertainment & Media Limited. The company is engaged in production of feature films. Defendant no.1 is also an actor and reality TV personality who publishes reviews on the YouTube channel operated by defendant no.3. The impugned reviews published specifically dealing with the plaintiff are said to be defamatory and intended to be so.

4. Reference is made to the portions from the reviews that are reproduced at paragraphs 8, 9 and 10 of the plaint. The plaintiff has also relied upon the 'Tweets' which are reproduced at Exhibit C, D & E to the plaint. It is the case of the plaintiff that the

defendant no.1 tagged to these tweets which came to be published on the Twitter platform of defendant nos.6 to 8 by tagging the Enforcement Directorate and Income Tax Department as well.

5. According to Dr. Tulzapurkar the intention was clearly to sully his reputation, defame the plaintiff and lower him in the eyes of the right thinking members of society.
6. The first of these reviews were published in September 2020 as set out in paragraph 9. It appears that initially the plaintiff ignored the tweets, however emboldened by the plaintiff not having reacted defendant no.1 has persisted in publishing such a review in January 2021 as set out in paragraph 10. Paragraph 10 sets out the second review which clearly makes out a prima facie case against defendant no.1. In the circumstances, I have no hesitation in granting ad-interim relief as against defendant no.1.
7. I therefore pass the following order;
  - (i) There will be an ad-interim injunction in terms of prayer clause (b) which reads as follows;

*“(b) an order and temporary injunction restraining the defendants, their employees, servants, agents and/or any person/s acting for and/or on behalf of*

**WWW.LIVELAW.IN**

*and./or claiming through or under them, from publishing and/or re-publishing and/or distributing and/or disseminating in any manner whether directly, indirectly or derivatively the Acts of Defamation (described in paragraphs 8, 10, 11 & 12 of the plaint), and/or any other statement (whether written, printed, audio or video) containing the same or similar allegations (as included in the said Acts of Defamation), against the plaintiff.”*

(ii) Reply to be filed within four weeks from today. The learned counsel for defendant nos.2 to 8 is directed to specifically obtain instructions as to whether they submit to orders of Court as far as mandatory part of the injunction is concerned.

(iii) Liberty is granted to the defendant no.1 to apply if so advised after filing an affidavit in reply and after serving 72 hours notice upon the plaintiff's Advocate.

**(A. K. MENON, J.)**

**WWW.LIVELAW.IN**