

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 604 OF 2016

IN

SUIT (L) NO. 140 OF 2016

Dr. Kirit J. Somaiya ... Applicant / Plaintiff

Versus

Lok Prakasan Limited and Ors. ... Defendants

Mr. V.R. Dhond, Sr. Adv. a/w. Mr. Mehta, Mr. L. Gupta i/b. Dhruve Liladhar and Company for the Applicant / Plaintiff.

Mr. K. Tamhane i/b. Dhanuka and Partners for the Defendants.

Mr. Bhalchandra Jani – Chief Editor, present in person.

CORAM : S.J. KATHAWALLA, J.

DATED : 1st MARCH, 2016

P.C. :

1. Heard the learned Advocates appearing for the parties and the following order is passed:

(i) The Defendants tender an unconditional apology for publishing news in the newspaper 'Gujarat Samachar' against the family members of the Plaintiff, which was false and incorrect and undertake not to repeat the same in any of the publications in future.

(ii) The Defendants shall on, Saturday, 5th March, 2016 publish an apology on page 1 in all the editions of Gujarat Samachar in which the impugned article was published in terms of the draft tendered by them which is taken on record and marked "X" for identification.

(iii) The Defendants shall pay Rs. 5,00,000/- towards damages to the Plaintiff.

The Defendants have undertaken to pay the said amount of Rs. 5,00,000/- within a period of two weeks from the date of this order. The undertaking is accepted.

(iv) The Learned Senior Advocate appearing for the Plaintiff, on instructions, states that the said amount of Rs. 5,00,000/- may be donated to any public charitable organisation/s. In view thereof, the Defendants shall, within a period of two weeks from the date of this order, pay the said amount of Rs. 5,00,000/- to the following organisations.

- (a) Rs. 1,00,000/- to **Indian Red Cross Society**, Bombay City Branch, Blood Centre, Mumbai working towards supplying free blood to patients suffering from Thalassemia Major, which is an incurable genetic blood disorder.
- (b) Rs. 1,00,000/- to the **Society for the Education of the Crippled (Child & Adult)** which works for the education and rehabilitation of children and adults with physical and multiple disabilities from a low economic group.
- (c) Rs. 1,00,000/- to **Aseema Charitable Trust**, a Mumbai based non-governmental organization which provides education to children living on the streets, or in slums and in inhuman conditions.
- (d) Rs. 1,00,000/- to **Human Development Centre Trust** which amongst others provides education to differently abled children.
- (e) Rs. 1,00,000, to **Women's India Trust**, a Charitable Organization which trains less privileged and unskilled women to develop skills and earn regular income.

2. In view of this order, the Suit as well as the Notice of Motion are disposed of. Refund of Court Fees, if any, as per Rules.

(S.J.KATHAWALLA, J.)