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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No.403 OF 2015

IN

NOTICE OF MOTION (L) No. 2489 OF 2014

IN

SUIT No.149 OF 2014

WITH

NOTICE OF MOTION (L) No.3370 OF 2015

IN

APPEAL (L) No. 403 OF 2015

IN

NOTICE OF MOTION (L) No. 2489 OF 2014

IN

SUIT No.149 OF 2015

Huzeifa Ismail Electricwala

...Appellant

(Org. Defendant)

Vs.

Murtuza Ali Rajkotwala

...Respondent

(Org. Plaintiff)

Mr.Deepan Dixit a/w. Soumya Brijmohan i/b. M/s. Kartikeya & Associates
for Appellant

Mr.P.K. Dhakephalkar, Senior Counsel a/w. Kedar Patil for Respondent

***CORAM : V. M. KANADE &
REVATI MOHITE DERE, JJ.***

DATE : MARCH 1, 2016

P.C. :

1. Heard. Admit.

2. The Appellant has filed this appeal challenging the order of the Learned Single Judge dated 28th January, 2015.

3. Brief facts are as under:

The Plaintiff had filed a defamatory suit against the Appellant / Original Defendant. The Plaintiff was the founder member and managing director of the company by name M/s. Alamdar Infrastructure Pvt Ltd.. The Defendant was the director of the same company. According to the Plaintiff, the Defendant resigned on 19th June, 2012 as a director. The Defendant, thereafter filed a police complaint alleging that the signature of the Defendant on the resignation letter and Form No.32, filed in connection therewith, were forged by the Plaintiff. However, the police filed a 'B' Summary Report. The allegation of the Plaintiff is that despite filing of the 'B' Summary Report by the police, the Defendant has been continuing to publish imputations through social media and also circulation pamphlets alleging that the Plaintiff has been charged for cheating and forgery under Indian Penal Code.

4. The Learned Single Judge, therefore, passed an order of injunction, restraining the Defendant from making any similar publication on the social media.

5. We do not see any reason to interfere with the said impugned order since it is not in dispute that the Defendant had circulated the pamphlets and published imputations through social media against the Plaintiff. Hence, appeal is disposed of. Needless to state that the Appellant-Defendant is at liberty to file his written statement in the suit within a reasonable period of time and the reply thereto, if any, to be filed by the Respondents – Plaintiff thereafter.

REVATI MOHITE DERE, J.

V.M. KANADE, J.