

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

**NOTICE OF MOTION (L) NO.1488 OF 2018
IN
COMM.SUIT (L) NO.832 OF 2018**

Keki Edulji Turel)....Applicant/Plaintiff
V/s.

Khursheed Turel & Ors.)....Defendants

Mr.Ashwin Shete a/w Ms.Trupiti Khadse, Ms.Shruti Bardia I/by
Jayakar & Partners for plaintiff/applicant.

Ms.Disha Shetty I/by Taubon Irani for defendant no.1.

Mr.Vijay Hiremath for defendant nos.2 to 4.

CORAM : K.R.SHRIRAM,J

DATE : 21.11.2018

P.C.:-

1. On 23.6.2018 the following order came to be passed :-

“1. Not on board. Upon mentioning, taken on board.

2. The above Notice of Motion is taken out by the Plaintiff for following reliefs :

“(a) That pending the hearing and final disposal of the Suit, this Court be pleased to pass an order of injunction restraining the Defendants, jointly and / or severally to not publish / instigate the publication of any article against the Plaintiff on the basis of the allegations made in the DV Complaint of Defendant No. 1.

(b) That in the alternative to prayer Clause (a) above, this Court be pleased to pass an order of injunction restraining the Defendants, jointly and / or severally to not publish / instigate the publication of any article on the basis of the allegations made in the DV Complaint, by naming the Plaintiff and / or Defendant No. 1 and / or referring to them by their profession, description, address or otherwise in any manner by which their identity will be revealed.

(c) That in the alternative to prayer Clauses (a) and (b)

above, this Court be pleased to pass an order of injunction restraining the Defendants, jointly and / or severally to not publish / instigate the publication of any article on the basis of the allegations made in the DV Complaint before the maintainability application is heard and finally decided and the DV Complaint is finally held to be maintainable against the Plaintiff.

(d) That pending the hearing and final disposal of the Suit, this Court be pleased to make rules / guidelines for Defendant No. 2 (and applicable to all news media), about the manner in which matrimonial disputes / domestic violence disputes are reported, to ensure that the reputation and / or goodwill of a person is not defamed or sullied in any manner whatsoever.”

2. The matter is today moved for urgent ad-interim reliefs.

3. Place the above Notice of Motion for ad-interim reliefs on 26th June, 2018. In the meantime, the Defendants are jointly and severally restrained from publishing any news / article qua the matrimonial disputes between the Plaintiff and Defendant No. 1.

4. All concerned to act on an ordinary copy of this order, duly authenticated by the Associate of this Court.”

2. This order has been continued until date.

3. The suit filed itself is for defamation whereby plaintiff is seeking an order and decree directing defendants to pay damages to plaintiff in the sum of Rs.10 crores.

4. Plaintiff and defendant no.1 got married to each other on 15.1.1975 and they have two sons who are both, from the plaint it

appears, to be Medical Practitioners. Sometime in 2012, due to matrimonial discord and immense mental torture the parties i.e., plaintiff and defendant no.1 have not been able to get along together and have been living separately. In March-2018 plaintiff got summons from the court of Metropolitan Magistrate, 30th Court, Kurla, informing plaintiff that defendant no.1 had filed complaint under the Domestic Violence Act. Plaintiff was also summoned to appear.

5. It has to be noted that plaintiff is also a renowned Neuro & Spine Surgeon practicing in Mumbai. Defendant no.1 is also one of the leading Psychologists by profession and she is carrying on profession also in Mumbai. The suit has come to be filed because of apprehension expressed by plaintiff that certain reports might be published by defendant nos.2, 3 and/or 4 which could have devastating effect on the reputation and image of plaintiff. I would also add that any such report published will also have a negative effect on the personal life of defendant no.1. Therefore, in my view, the ad-interim order granted on 23.6.2018, in the interest of plaintiff and defendant no.1, should be continued until the hearing and final disposal of the suit.

6. Therefore, the order dated 23.6.2018 is confirmed as an order in the Notice of Motion. Notice of Motion stands disposed.

7. Defendants shall file their written statement and serve copy thereof on plaintiff on or before 19.12.2018 failing which the suit will stand decreed against defendants. If written statements are filed, on or before 4.1.2019, parties shall file their respective affidavit of documents. On or before 10.1.2019 parties shall give inspection of documents relied upon by them and the other side shall file and give statement of admission and denial with reasons for denial by 15.1.2019.

8. Suit be listed for issues on 23.1.2019 at which time parties shall come with agreed list of draft issues and a separate list of issues on which they are unable to agree.

9. Parties are put to notice that they shall strictly and meticulously comply with the directions given in this order.

10. Within two weeks, plaintiff shall remove all office objections and get the Notice of Motion & Suit numbered failing which Notice of Motion & Suit stand dismissed without further reference to the court.

(K.R.SHRIRAM,J)