

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 804 OF 2019
IN
SUIT (L) NO.381 OF 2019**

Manisha Chaudhari ..Plaintiff
Vs.
Jayantilal Jain & Ors ..Defendants

Mr. Rahul Narichania Senior Advocate a/w Ms Fatima Baroadawala I/b Raval Shah for Plaintiff/Applicant
Mr. Siddharth Murarka a/w Mr. Devendra Tiwari I/b Law Chamber of Siddharth Murarka for Defendant Nos.1 and 2
Ms Priya C Vaity for Defendant Nos.3 and 4
Mr. Chanakya Keswani I/b Economic Laws Practice for Defendant No.5
Ms Padmaja Dholkia I/b Dholkia Law Associates for Defendant No.6

**CORAM : K.R.SHRIRAM, J.
DATE : 16th APRIL 2019**

P.C.:

1 Ms Vaity states that defendant nos.3 and 4 shall not upload or state anything against plaintiff in any TV Channel, website or any platform. Statement accepted as an undertaking to this court. Ms Vaity states that in any event, the clips which are attributed to defendant nos.3 and 4 are not appearing any more.

2 In view of the facts and circumstances of the case and in view of the statement of defendant nos.3 and 4 as recorded above, in my view, orders dated 1st April 2019 read with order dated 8th April 2019 has to be and are hereby confirmed. I have also perused the contents of paragraphs 15 to 17 of the plaint. Consequently, considering the reliefs sought, notice of

motion accordingly stands allowed and disposed in terms of prayer clauses

(a) to (g) and the same read as under:

“(a) Pending final hearing and disposal of the present suit, this Hon'ble Court may be pleased to direct the defendant nos.1 and 2 to declare on oath the persons to whom the video has been circulated via any social media.

(b) Pending final hearing and disposal of the present suit, this Hon'ble Court may be pleased to direct the defendant nos.1 and 2 to declare on oath within 7 days hereof the total number of CDs made by the defendant nos.1 and 2 purporting to record action/s of the applicant falsely attributed by defendant no.1 and defendant no.2 to be black magic;

(c) Pending final hearing and disposal of the present suit, this Hon'ble Court may be pleased to direct the defendant nos.1 and 2 to procure the CDs submitted by the defendant nos.1 and 2 to the Police authorities as well as the Cds in defendant nos.1 and 2's possession and place the same in the custody of this Hon'ble Court.

(d) Pending final hearing and disposal of the present suit, this Hon'ble Court may be pleased to direct the defendant nos.1 and 2, its agents, assigns, representatives officers by an order of injunction of this court restraining the defendant nos.1 and 2 from making copies of the CD.

(e) Pending final hearing and disposal of the present suit, this Hon'ble Court may be pleased to direct the defendant nos.1 and 2, its agents, assigns, representatives, officers to cease and desist circulating defamatory content in any form i.e. written or through audio visual, videos, clips via any social medium i.e. messages whatsapp messages, telecommunication etc. against the applicant.

(f) Pending final hearing and disposal of the present suit, this Hon'ble Court may be pleased to direct the defendant nos.3 and 4 to withdraw and retract the news report broad casted on 24 September 2018 and the You Tube videos uploaded on 25 September 2018.

(g) Pending final hearing and disposal of the present suit, this Hon'ble Court may be pleased to direct the defendant nos.5 and 6, its agents, assigns, representatives to remove and/or block/restrict access to the video to be found at http://youtube/t_T62oP9twl from its video sharing platform and/or any other active videos/URL/weblinks which contain or purport to contain the defamatory video/URL/weblinks as referred to in paragraph no.20 or part thereof posted on the websites of defendant nos.5 and 6.”

3 Mr. Keswani appearing for defendant no.5 relies on **Shreya Singhal Vs. Union of India**¹ and **Myspace Inc. Vs. Super Cassettes Industries Ltd.**², to state that if at all defendant no.5 has to take any action, then defendant no.5 should be informed the exact URL where such offending clip or video is appearing and once that is informed, they will be able to take steps. Mr. Keswani states that if such information is received, defendant no.5 will be able to comply with the orders passed by this court. Mr. Keswani for defendant no.5 states that they will act only if it comes through an order of this court. In my view, the order passed today itself is the order of the court and defendant no.5 shall comply with the order passed by this court.

4 Plaintiff's advocates shall on their letter head, inform defendant no.5 of any offending URL or links. In the said letter, the short title of the suit shall also be mentioned. The advocates shall also certify that the URL /links of the offending clip or video refers to plaintiff and is directly connected to the order passed today. Defendant No.5 shall act on such letter read with this order dated 16th April 2019.

1 (2015) 5 SCC 1

2 2016 SCC Online DEL 6382

5 Ms. Dholkia appearing for defendant no.6 states that Google India Pvt Ltd has nothing to do with this matter. Statement noted.

6 Notice of motion disposed.

7 All defendants waive service of writ of summons. Written statements to be filed and copy served within 6 weeks from today.

8 Suit be listed for directions on 14th June 2019.

(K.R. SHRIRAM, J.)