

MHCC040072512016



IN THE CITY CIVIL COURT FOR GR.MUMBAI AT DINDOSHI
BORIVALI DIVISION, MUMBAI

NOTICE OF MOTION NO.2746/2016

IN

S. C. SUIT NO.684/2016

Secure Industries Private Limited & Ors.

... Plaintiffs.

Vs.

Dr. (Mrs.) Aruna Aryamittara Singh.

... Defendant.

Adv. Simta Vora, for Plaintiffs.

Adv. Yadav, for Defendant.

CORAM : K. R. Deshpande
Ad-hoc City Civil Judge,
(C.R. No.16)

Date : 27th January, 2026.

ORDER

Plaintiffs have taken out this notice of motion praying for temporary injunction restraining the defendant from printing, publishing and delivering false, incorrect and defamatory statement against the plaintiffs.

2. Perused affidavit in support of notice of motion and affidavit in reply filed by defendant.

3. The learned counsel for plaintiffs has filed written notes of

arguments. Heard the learned counsel for defendant.

4. By this notice of motion the plaintiffs prayed for temporary injunction restraining the defendant from publishing, printing, delivering false, defamatory statement against the plaintiffs. The defendant opposed the notice of motion strongly.

5. On perusal of record it is revealed that, the plaintiffs instituted suit for permanent injunction and damages. The reliefs sought in this notice of motion and main relief sought in the suit is the one and the same. Being so, it is not proper and just to grant the interim relief as it is settled law that, the main relief cannot be granted by way of interim relief. Apart from it, it is revealed that the defendant has filed criminal complaint against the plaintiffs and Crime No.160/2016 came to be registered under Sections 420, 465, 468, 471, 467 r/w Section 34 of IPC. Prima facie it appears that, the allegation made in the complaint and the suit filed by the plaintiffs are one and the same. It is specifically contended by the defendant that, she has made and narrated the correct facts, yet it is not decided that the complaint filed by defendant is false and incorrect. In view of the above position I find that, the plaintiffs have not established the prima facie case.

6. In written notes of arguments the plaintiffs have demonstrated what is oral defamation, continued defamatory acts and reproduced provisions of law of defamation and also reproduced the case law. I find that in **D. P. Choudhary Vs. Kumari Manjulata**, in this case it was found that, news item published in newspaper without correct facts and not confirmed by police and it was false imputations and therefore the damages were granted. I find that, this case law does

not help the plaintiffs at this stage unless and until it is proved that, the allegations made by the defendant are false. It is not possible to consider the relief prayed by the plaintiffs. I do not find prima facie case, balance of inconvenience and irreparable loss in favour of plaintiffs. Hence, the following order:

ORDER

1. Notice of Motion No.2746 of 2016 is rejected.
2. Cost in cause.
3. Notice of Motion No.2746 of 2016 is disposed of accordingly.

27/01/2026

(K. R. Deshpande)
Ad-hoc City Civil Judge
City Civil Court, Dindoshi,
Mumbai.

Dictation given directly on Computer on: 27/01/2026
Checked & Signed by HHJ on : 27/01/2026

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER." UPLOADED ON 29.01.2026 AT 04.15 PM	
Mrs. J.S. Gawai NAME OF STENOGRAPHER	
Name of the Judge (with Court Room No.)	HHJ Shri. K. R. Deshpande, C.R. No.16.
Date of Pronouncement of Judgment/Order.	27/01/2026
Judgment/Order signed by PO. on	27/01/2026
Judgment/Order uploaded on	29/01/2026