

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION (L) NO.7265 OF 2026
IN
SUIT (L) NO.7259 OF 2026

Lilavati Kirtilal Mehta Medical Trust and Ors. Applicants/
.. Org. Plaintiffs

IN THE MATTER BETWEEN:

Lilavati Kirtilal Mehta Medical Trust and Ors. .. Plaintiffs

Versus

Rajesh Mehta and Ors. .. Defendants

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- Mr. Zal Andhyarujina a/w. Mr. Surel Shah, Senior Advocates a/w. Mr. Rashmin Khandekar, Mr. Dinesh Pednekar, Ms. Charanya Keswani, Ms. Minal, Mr. Minshas Joshi, Mr. Dikshat Mehra, Advocates i/by Economic Laws Practice for Plaintiffs.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 26.02.2026. Perused the praecipe.
- 2.** Heard Mr. Andhyarujina and Mr. Shah, learned Senior Advocates and Mr. Khandekar, learned Advocate for Plaintiffs.
- 3.** At the outset, Mr. Andhyarujina seeks impleadment of 'John Doe / Ashok Kumar' as Defendant No. 5 in the Suit Plaint as the persons who have received the transcripts / video and who have further disseminated the same so as to make out an appropriate prayer against them from further dissemination of the two URL videos stated in paragraph No.26 of the suit plaint. Leave to amend is granted

forthwith to the above extent. Amendment is carried out in the presence of the Court in the suit plaint. Necessary Amendment is permitted to be carried out online also. Reverification stands dispensed with.

4. Urgent intervention of the Court is sought by learned Advocates in respect of a video broadcasted on the platform of Defendant No.3 by Defendant No.4 on 20.02.2026. There are rather two URLs details of which are which are given in paragraph No.26 of the suit plaint. Some of the transcripts of the same *prima facie* as seen are insinuating the Plaintiffs as appended at Exhibit-H, page No.179. I have perused the same.

5. At the outset, Mr. Andhyarujina would draw my attention to the order dated 20.02.2026 passed by this Court in the case of *Lilavati Kirtilal Mehta Trust and Ors Vs. Param Bir Singh*¹, *inter alia*, restricting the Defendant therein (Defendant No. 2 herein) who was an Executive Director of Plaintiff No.1 – Trust and was removed from his position pursuant to which he had indulged in a somewhat similar exercise.

6. In fact Mr. Andhyarujina would persuade me to read the transcript of the video appended at Exhibit-H wherein there is categorical reference to the removal of the Defendant No.2 herein. He would submit that primarily because of the order dated 20.02.2026,

¹ Interim Application (Lodging) No.6041 of 2026.

the same tirade of reputational damage alleging embezzlement of 100 crore by Plaintiffs and conspiracy hatched by them is now continued *albeit* by another Trustee namely Defendant No.1. In so far as Defendant No.2 is concerned, he is a proforma party here but according to Plaintiff No.1, Defendant No.2 who was removed is the person alongwith Defendant No. 1 responsible for continuing the tirade.

7. In paragraph No.27, the objectionable excerpts of the two URL videos, *inter alia*, affecting and causing reputational damage to Plaintiff No.1 – Trust and directly insinuating the role and alleging conspiracy by Plaintiff Nos.2 and 3 are culled out by the Plaintiffs for immediate reference. The allegation with regard to embezzlement and conspiracy of Plaintiff Nos.2 and 3 and they having embezzled Rs.100 crore from the Trust fund forms the backdrop of the two URL videos as can be discerned from the transcript which are appended from page Nos.179 to 184.

8. Mr. Andhyarujina would submit that the excerpts which are culled out in paragraph No.27 *prima facie* are statements and comments which affect the goodwill, image and reputation of Plaintiff No.1 – Hospital and the Plaintiffs. He would submit that the dramatic manner in which the two videos are prepared and edited, its visual effects and editing as they have been podcasted and shown are

contained in a pen-drive which is given to the Court and he would persuade me to see the said video to realise the gravity of the same which would *prima facie* show the seriousness of insinuations and allegations of embezzlement of Rs.100 crore levelled against the Plaintiff Nos.2 and 3. After seeing the video in Court and from reading of the said transcript what Mr. Andhyarujina says appears to be *prima facie* correct. The video editing, sound, music in the background and repeated frames showing the hospital premises, internal hospital premises and the running commentary appears to be sensational and there is a repeated reference to conspiracy by Plaintiff Nos.2 and 3 running the operations of Plaintiff No.1 – Trust and the Hospital with which it is concerned. The sequitur of the video and transcripts virtually pronounce a verdict against Plaintiff Nos.1 and 2 and states that the veil will be lifted on their acts of embezzlement and fraud committed by them very soon and it is stated for the Plaintiffs that ‘रु. 100 करोड़ की धांधलेबाजी का पर्दाफाश हो जाएगा और उन्हें उसके लिए सजा दिलाई जाएगी।’

9. This sort of *prima facie* media trial creates serious doubts in the minds of the public at large especially when Plaintiff No.1 – Trust is in the public domain and runs a reputable charitable Hospital in the city of Mumbai. Grievance of Plaintiffs is that this video has been seen by thousands of viewers. Having perused the contents of the transcripts

at Exhibit “H” and also watched the video which has been shown to me, an arguable *prima facie* case has been made out by Mr. Andhyarujina for immediate intervention of the Court. Defendant No.3 is the platform where the above video is published/broadcasted and Defendant No.4 is the Managing Director of Defendant No.3

10. In that view of the matter, issue notice to Defendants.

11. Humdast permitted. In addition to Court’s notice, Applicants/ Plaintiffs are directed to serve the Defendants a copy of this order, Interim Application and Suit forthwith and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

12. Defendants shall enter appearance and file appropriate Affidavit-in-Reply to the pleadings and shall take immediate cognizance of this order. Defendants are immediately restrained from publishing / broadcasting any further similar insinuations as seen from the excerpts and as stated in this order directly alleging embezzlement of funds and conspiracy affecting the reputation of the Plaintiffs so as to humiliate them in the eyes of the Society which shall be noted by the Defendants. Needless to state that all contentions of Defendants are expressly kept open to be filed by them in the appropriate Affidavit-in-Reply which shall be filed by them before the next adjourned date.

13. Ad-interim relief in terms of prayer clause G(a) is granted which reads thus:-

- ‘G. Pending the hearing and final disposal of the Suit, pass an ad-interim and interim orders:*
- a. Restraining the Defendants and/or their agents and/or servants and/or any persons claiming through and/or under the Defendants from publishing, circulating or repeating the allegations mentioned in Schedule -I hereto on any medium whatsoever and/or making publishing circulating and/or communicating to the public any defamatory / slanderous comments and/or statements against the Plaintiffs and/or otherwise malign and/or tarnish the image of the Plaintiffs in any manner whatsoever.’*

14. Mr. Andhyarujina presses for prayer clause G(b), which shall be considered by the Court on the next adjourned date after hearing the parties. The above order shall be applicable against Defendant No.5 (John Doe / Ashok Kumar) also.

15. Liberty to apply.

16. Stand over to **13th March 2026**. To be placed under the caption **‘For Circulation’**.

17. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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Digitally signed
by HARSHADA
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2026.02.26
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