

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

SUIT NO. 156 OF 2024

Prashant Mehta **...Plaintiff**
V/s.
K. Ashar and Co. Advocates and Solicitors. **...Defendant**

WITH
INTERIM APPLICATION NO. 3238 OF 2024
WITH
INTERIM APPLICATION (L) NO. 31444 OF 2024
WITH
INTERIM APPLICATION (L) NO. 28394 OF 2024
WITH
INTERIM APPLICATION (L) NO. 27406 OF 2024
WITH
INTERIM APPLICATION (L) NO. 32673 OF 2023
WITH
INTERIM APPLICATION (L) NO. 1860 OF 2024

Mr. Zubin Behramkamdin, Senior Advocate with Mr. Devashish Trivedi, Mr. Monish Bhatia and Ms. Minal Jaiwant Chandnani Chanchlani for Plaintiffs.

Mr. Kevic Setalwad, Senior Advocate with Mr. Dharam Jumani, Mr. Mihir Nerurkar, Ms. Prapti Kedia, Ms. Neha Rautela and Mr. Rushikesh Dusane i/b Agama Law Associates for Defendant No.6.

Mr. Virag Tulzapurkar, Senior Advocate with Mr. Ameya Gokhale, Ms. Kriti Kalyani, Mr. Chintan Gandhi and Mr. D. Shukla i/b Shardul Amarchand Mangaldas & Co. for Defendants No. 7 to 10.

Mr. Arshad Shaikh, Senior Advocate with Mr. Sanjay Udeshi, Mr. Aditya Udeshi, Mr. Rahul Sanghvi and Mr. Netaji Gawade i/b M/s Sanjay Udeshi & Co. for Defendant No. 19.

CORAM : ABHAY AHUJA, J.
DATE : 28th JANUARY, 2025

PC. :

Interim Application (L) No. 32673 Of 2023

1. This matter has been circulated at the behest of the Plaintiffs/Interim Applicants.

2. When the matter is called out, Mr. Behramkamdin, learned Senior Counsel appearing for the Plaintiffs /Interim Applicants submits that the limited purpose of circulating the Interim Application today is that the defendants no. 20 to 27 be directed to take off the defamatory post against the Plaintiffs.

3. Mr. Behramkamdin, learned Senior Counsel submits that as recorded in order dated 19th December, 2023, Defendants No. 20 to 27 have been served with notice via email and that the an affidavit of service had also been taken on record by the Court.

4. It is observed that none is present on behalf of the said Defendants No. 20 to 27.

5. Learned Senior Counsel appearing for the Defendants No. 6 submits that since 19th December, 2023, several attempts seeking

injunctive reliefs against the Defendants have been rejected by this Court and that this is yet another attempt.

6. Mr. Tulzapurkar, learned Senior Counsel appearing for Defendants No. 7 to 10 submits that this Court would have to first hear the Interim Application filed by the said Defendants under Order VII Rule 11 of the Code of Civil Procedure, 1908 for rejection of the Plaint before any relief is granted to the Plaintiffs or the matter is heard.

7. Dr. Shaikh, learned Senior Counsel appearing for the Defendant No. 19 would submit that his client has nothing to do with the Suit and that an Interim Application seeking deletion of the Defendant No. 19, which has been filed be considered before proceeding further.

8. After hearing Mr. Behramkamdin, learned Senior Counsel for the Plaintiffs and the learned Senior Counsel for Defendants as above, this Court put it to Mr. Behramkamdin, if his clients-Plaintiffs would consider withdrawing the Suit, if Defendants No. 20 to 27 were to take off the purported defamatory posts. Mr. Behramkamdin, learned Senior Counsel for the Plaintiffs seeks some time to take instructions.

9. Let instructions be taken by the next date. Let Defendants No. 20 to 27 be intimated of this order and of the next date.

10. Let Defendants No. 20 to 27 remain present in this Court, through an authorised representative and / or duly appointed Advocate on the next date, with instructions with respect to the aforesaid suggestion of the Court.

11. List on **12th February, 2025.**

12. It is made clear that if Defendants No. 20 to 27 are or any of them are not represented on the next date, this Court will in any case pass appropriate order after hearing Mr. Behramkamdin, learned Senior Counsel on instructions that he would receive on the suggestion by this Court.

(ABHAY AHUJA, J.)