

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUTT (L) NO. 32933 OF 2024

Vallabh Natwarlal Sheth

...Plaintiff

Vs.

Rajeev Manmohan Gupta

...Defendant

WITH
INTERIM APPLICATION (L) NO. 32988 OF 2024

Mr. Navroz Seervai, Senior Advocate a/w Rohaan Cama and Joran Diwan i/by
Diwan Law Associates for the Plaintiffs.

Mr. Mayur Khandeparkar a/w Nirman Sharma and Ansh Karnawat i/by Girish
Kedia for Defendant Nos.1 and 2.

Ms. H. Bhumgara i/by Desai & Diwanji for Defendant No.3.

Ms. Vinuta Rayadurg i/by Economic Laws Practice for Defendant No.5.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH OCTOBER, 2024

P.C.-

1. This is a Suit filed for defamation. Essentially the fight is between two groups of builders. After hearing Mr. Seervai at some length, Learned Senior Counsel appearing on behalf of the Plaintiffs submitted that the application for ad interim relief was today being restricted to Exhibits R, S and T.

2. I have heard Learned Counsel and he has taken me through what he submits is the offending statements made by Defendant Nos.1 and 2.

3. Mr. Khandeparkar, Learned Counsel appearing on behalf of Defendant Nos.1 & 2 submitted that he would require time to file an Affidavit-in-Reply. He submits that his client stands by the statements made in the said public notices as also in the YouTube video which is at Exhibit T1. He however at the outset submits that the board which is shown at Exhibit R has since been pulled down. He however submits that his clients shall not till the next date of hearing not make and/or publish any statements akin to what has been made in paragraphs 3 of Exhibit S, however, needless to state if any statements/notices to be published in terms of paragraph 4 of the public notice then the same should not also be suggestive of the reason set out in paragraph 3.

4. I make it clear that this order will not prevent the parties from prosecuting their independent civil or criminal proceedings which are pending against each other as also from asserting whatever rights that they may have in law including by issuing public or other notices. However, it is made expressly clear that in none of these notices would there be a repetition of what is stated in Exhibit S. Learned Counsel appearing on behalf of Defendant No.3 submits that Defendant No.3 has merely published the advertisement and therefore has been incorrectly arrayed as party to the Suit.

5. Mr. Seervai, Learned Senior Counsel submits that he will take instructions on the next date as to whether delete Defendant No.3.

6. Ms. Rayadurg appears on behalf of Google LLC and submits that Respondent No.5 has been incorrectly arrayed as YouTube whereas the entity to be arrayed is Google LLC.
7. Liberty to carry out amendment.
8. Reply to be filed on or before 12th November, 2024.
9. Stand over to 14th November, 2024 for ad interim relief.

(ARIF S. DOCTOR, J.)