IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL IP SUIT (L) NO.37517 OF 2026

WITH

INTERIM APPLICATION (L) NO.37580 OF 2026

Rupali Ganguly Nee Rupali Ashwin Verma …Plaintiff

Versus

Huts and Looms Pvt. Ltd. & Ors. …Defendants

Ms. Sana Raees Khan a/w. Mr. Karan Khiani, Mr. Pranay Chitale, Mr. Udayvir Rana and Mr. Parag P. Sawant, for the Plaintiff.
Ms. Pranita Saboo a/w. Ms. Avadhi Joshi, Ms. Alka Mehta i/b. Mr. Kush Shah, for Defendant No.1.
Ms. Reeti Shetty i/b. Mr. Hardik Sampat, for Defendant No.15.

CORAM: MADHAV J. JAMDAR, J.
DATED : 5th NOVEMBER 2026

P. C.:

1. Heard Ms. Khan, learned Counsel appearing for the Plaintiff, Ms. Saboo, learned Counsel appearing for Defendant No.1 and Ms. Shetty, learned Counsel appearing for Defendant No.15.

2. Ms. Khan, learned Counsel appearing for the Plaintiff submits that all the Defendants have been served and during the course of the day, affidavit of service will be filed.

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3. At the outset, Ms. Saboo, learned Counsel appearing for the Defendant No.1 submits that Defendant No.1 has an ongoing arrangement with the stylist of the Plaintiff and in terms of the said arrangement, Defendant No.1 is publishing the images of the Plaintiff and the said images are shared by the Plaintiff. She therefore, seeks time to file affidavit in reply.

4. This Suit has been filed by the Plaintiff seeking various reliefs in order to protect and safeguard her "Personality Rights" and "Publicity Rights" i.e. rights which stem and flow from the right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India and right to life and personal liberty including the right to privacy under Article 21 of the Constitution of India and also the Plaintiff's moral rights under Sections 38, 38-A and 38-B of the Copyright Act, 1957 and common law rights such as the right to protect oneself against the tort of passing off/misappropriation/unfair competition/unjust enrichment.

5. The Plaintiff is television actress known for portraying Monisha Sarabhai in the sitcom Sarabhai vs. Sarabhai and the title role in the drama series Anupamaa.

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6. The description of the Defendants is as under:

(a) Defendant Nos.1 to 3 are online boutiques which used the Plaintiff's image or likeness to promote their products. Defendant Nos.4 to 12 are celebrity booking, talent management and event companies which claim direct access to the Plaintiff for bookings and endorsements without authorisation. Defendant No.13 hosts sexually explicit user posts using the Plaintiff's photographs. Defendant No.14 is an AI image platform (Sea/Art AI). Defendant No.15 is Google LLC, which operates Tenor. Defendant Nos.16 and 17 are the Government of India through MeitY and DoT, impleaded as proforma Defendants. Defendant No.18 is a John Doe Defendant.

(b) Defendant No.1 used the Plaintiff's image to promote a saree on its website (Exhibit- E). Defendant No.14 generated images of the Plaintiff's likeness, with premium subscriptions monetising the output (Exhibit-R). Defendant No.15 permits the creation and

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sharing of GIFs of the Plaintiff's performances through Tenor (Exhibit-S). Unknown persons operating under Defendant No.18 host morphed, deepfake and sexually explicit images of the Plaintiff on third-party websites (Exhibit-T).

7. It is the contention of Ms. Khan, learned Counsel appearing for the Plaintiff that the Plaintiff resides in Mumbai, that the infringing platforms are interactive and accessible in Mumbai, and that a substantial part of the cause of action arose within the jurisdiction of this Court. Leave under Clause XII has been granted for this purpose. Learned Counsel also seeks exemption from pre-institution mediation under Section 12A of the Commercial Courts Act, 2015, given the nature of the ad-interim relief sought. Ms. Khan, learned Counsel submits that ad-interim relief is pressed, except against Defendant No.1 and interim reliefs are prayed in terms of prayer clauses clauses (a), (b), (d) and (e) of the Interim Application. She places reliance on orders of this Court in comparable matters, including Samantha Ruth Prabhu vs. John Doe (Ashok Kumar) & Ors. (order dated 1st October 2026), Preity G. Zinta vs. Google LLC & Ors. (order dated 8th July 2026), Shruti

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Haasan vs. Mahalaxmi Arts and Craft Works & Ors. (order dated 3rd September 2026), 2025 SCC OnLine Bom 4044, and Shilpa Shetty Kundra vs. Geoutlive.in & Ors.

8. The Plaintiff has compiled an extensive list of infringing URLs and has produced representative screenshots and printouts demonstrating the nature and extent of the infringement across the various online platforms referred to the above.

9. The material on record clearly shows that the Plaintiff's personality rights, publicity rights and moral rights are violated by the creation of the said morphed, deep-fake, AI-generated and pornographic content comprising the Plaintiff's morphed image, photographs and videos, and by the use of unauthorized use of her Persona indica in chatbots and merchandise. The Plaintiff's "Personality Rights" and "Publicity Rights" are protected by Article 19(1)(a) of the Constitution of India, i.e., the right to freedom of speech and expression, as also by Article 21 of the Constitution of India, i.e. the right to life and personal liberty, including the right to privacy and the right to live with dignity; and her moral rights a performer are separately protected under Section 38, 38A and 38B

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of the Copyright Act, 1957. Thus, all these valuable rights of the Plaintiff are violated and adversely affected by the impugned actions of the Defendants.

10. On the material placed on record, the Plaintiff has made out a strong *prima facie* case for ad-interim relief. The Plaintiff's name, image, likeness and voice identify her to the public. The Defendants have used them to sell merchandise, to advertise endorsements, to offer bookings and to generate or host AI-generated and sexually explicit content, without her consent. The continuing dissemination of such content is likely to cause irreparable injury to the Plaintiff's reputation, dignity and goodwill. Once sexually explicit or morphed content is circulated online, it can be replicated without limit. Monetary damages would not adequately compensate that injury. The Defendants are alleged to be unidentified or fly-by-night operators, which increases the risk of dissipation. The Plaintiff has a strong *prima facie* case for grant of reliefs as sought. The Plaintiff has discovered numerous AI-generated deepfake videos, manipulated and morphed photographs, unauthorised merchandise and, in particular, Al-generated pornographic and obscene content falsely

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depicting the Plaintiff on the Impugned Pornographic Platforms all of which were created and disseminated without her consent.

11. The continuing dissemination of the Al-generated deepfake videos, morphed photographs, unauthorised merchandise and, most seriously, the pornographic and obscene content complained of has caused and continues to cause irreparable injury to the Plaintiff's goodwill, reputation, dignity and commercial interest. Such injury cannot be adequately compensated by monetary damages alone, as once such content (particularly content of a pornographic or obscene nature) is disseminated across the internet, it is capable of unlimited replication and circulation, resulting in permanent dilution of the Plaintiff's personality rights, publicly rights and public image.

12. Thus, a very strong *prima facie* case is made out for grant of ad-interim relief against all the Defendants, except Defendant Nos.1 and 15 in terms of prayer clauses (a), (b), (d) and (e), which are reproduced herein below for ready reference. It is further clarified that injunction is granted against Defendant No.15 only in terms of prayer clause (d).

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"a. that pending the hearing and final disposal of the Suit, the Respondents, their associates, servants, agents, affiliates, holding companies, assignees, substitutes, representatives, group entities, their subscribers, employees and/or persons claiming through them or under them and all other persons be restrained by an order and injunction of this Hon'ble Court from violating the Petitioner's Personality/publicity Rights by utilizing and/or in any manner directly and/or indirectly, using or exploiting or misappropriating the Petitioner's (a) name "Rupali Ganguly"; (b) voice; (c) image and likeness and (d) other distinctive aspects of her persona that are identifiable with her for any commercial and/or personal gain and/or otherwise by exploiting them in any manner whatsoever without the Petitioner's consent and/or authorization, through the use of any technology including but not limited to Artificial Intelligence, Generative Artificial Intelligence, Machine Learning, Deepfakes, Face Morphing, and on any mediums and formats;

b. that pending the hearing and final disposal of the Suit, Respondents No. 1 to 15 and Respondent No.18, either directly or indirectly through, their associates, servants, agents, affiliates, holding companies, assignees, substitutes, representatives, group entities, their subscribers, employees and/or persons claiming through them or under them and all other persons be restrained by an order and injunction of this Hon'ble Court from passing off their goods and/or services as those emanating or being endorsed by the Petitioner or claiming any association with the Petitioner or misusing her photographs that are available in the public domain by including or utilizing and/or in any manner directly and/or indirectly, using or

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exploiting or misappropriating the Petitioner's personality/publicity rights by the use of the Petitioner's (a) name "Rupali Ganguly"; (b) voice; (c) image and likeness and (d) other distinctive aspects of her persona that are identifiable with her for any commercial and/or personal gain and/or otherwise by exploiting them in any manner whatsoever without the Petitioner's consent and/or authorization, through the use of any technology including but not limited to Artificial Intelligence, Generative Artificial Intelligence, Machine Learning, Deepfakes, Face Morphing, and on any mediums and formats;

d. that pending the hearing and final disposal of the Suit, an order directing Meity and DoT {i.e., the Respondent Nos. 16 and 17) to block access to/suspend all links/websites/mobile applications/URLs of the Respondents identified herein (at Annexure 1 to the Interim Application herein) as well as any other fresh links/websites/mobile applications/URLs provided by the Petitioner, which unlawfully infringe the Petitioner's personality/publicity rights and to provide any details available with them about the parties operating links/websites/mobile applications/URLs as annexed in Annexure 1 to the Interim Application herein;

e. that pending the hearing and final disposal of the Suit, an order directing MeitY and DoT (i.e., the Respondent Nos.16 and 17) to block access to/suspend all links/website/mobile applications/URLs of the Respondents identified herein (at Annexure 1 to the Interim Application herein) as well as any other fresh links/websites/mobiles applications/URLs provided by the Petitioner, which unlawfully infringe the Petitioner's personality/publicity

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> *rights and to provide any details available with them about the parties operating such links/websites/mobile applications/URLs as annexed in Annexure 1 to the Interim Application herein;"*

13. However, it is required to be noted that it is the contention of the Defendant No.1 that Defendant No.1 has arrangement with the stylist of the Plaintiff and as per the said arrangement, the images of the Plaintiff which are shared by the Plaintiff are used for promoting the Defendant No.1's business. Thus, at this stage no relief is granted against the Defendant No.1.

14. Defendant Nos. 1 to 15 and Defendant No. 18 are directed to take down, remove and disable access to the infringing content particularised in Exhibits E to T of the Plaint as appearing on their respective platforms immediately on receipt of this order. In respect of similar content, they are directed to take down such content upon written notice from the Plaintiff or her authorised representative, subject to their right to communicate to the Plaintiff, with reasons, any objection to such removal.

15. Defendant Nos. 16 and 17 are directed to issue necessary blocking directions to block, take down and disable access to the

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URLs listed in Exhibit T of the Plaint, and to any further URLs of a similar nature notified by the Plaintiff, and to provide available particulars of the operators of such URLs.

16. Liberty is also granted to all the Defendants to approach this court. This liberty is granted to the Defendants as Rule 3 of the Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 contemplates due diligence by an intermediary.

17. In the event of any objection that a link contains genuine material, the Defendants shall communicate the same to the Plaintiff's Advocate, and the Plaintiff and the Defendants are at liberty to approach this Court for further orders.

18. Stand over to **10th December 2026**.

19. Ad-interim relief to continue till further orders.

[MADHAV J. JAMDAR, J.]

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