

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION [L] NO.5679 OF 2020
IN
SUIT [L] NO.5674 OF 2020**

Amy Rohinton Dastur AKA Amyra Dastur] Applicant

IN THE MATTER BETWEEN:

Amy Rohinton Dastur AKA Amyra Dastur] Plaintiff

Vs.

Luviena Lodh AKA Varsha Sumit Sabherwal] Defendant

.....

Ms. Saveena T. Bedi i/b Lawhive Associates, for Plaintiff.

Mr. Prashant Pandey a/w A. Memon i/b Welegae, for Defendant.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 9th NOVEMBER, 2020.

(VACATION COURT)

P.C:

This is a suit claiming damages for defamation as well as for mandatory injunction. Averments in the plaint reveal that the defendant has been causing damage to the plaintiff by persistently and continuously making defamatory and libelous statements on social media as well as

electronic media. In support of it, the plaintiff has tendered a C.D as well as averments to that effect have been made at Exhibit B. Learned Counsel for the plaintiff contends that malicious publications made by the defendant are untrue, false and defamatory allegedly portraying the plaintiffs as ‘druggist’. It is contended that the plaintiff is a well-known film actress of Bollywood.

2. My attention is drawn to the publication dated 23rd October, 2020 on Social media “Twitter” which reads as under;

“Meri shaadi Mahesh Bhatt ke bhanje Sumit Sabherwal ke sath huyi thi, aur maine unke khilaaf divorce case file kiya hae kyunki mujhe pata Chal gaya tha woh drugs supply karte hain actors ko jaise Amyra Dastur, Sapna Pabbi”.

3. It is, thus, contended that such libelous and defamatory statement on the social media has caused harm and damage to the reputation of the plaintiff in the eyes of public and in the society at large.

4. Mr. Pandey, learned Counsel appearing for the defendant submits that the defendant was also an actress but is now a make up Director. Mr. Pandye maintains that the defendant has not at all defamed or caused any damage to the reputation of the plaintiff but she has only placed

the truth and the facts as noticed on the social and electronic media. Thus, learned Counsel for the defendant, at this stage, orally admits accountability of the defendant *qua* the statements made on the social and electronic media.

5. Mr. Pandey waives service of writ of summons. On being asked, as to whether the defendant would stop making such statements, Mr. Pandye, on instructions, submits that she (defendant) is ready for undergoing Narco analysis test in support of the statements made by her on the social and electronic media. The learned Counsel, on instructions, makes a statement that the defendant has not and does not intend to make any defamatory statement *qua* the plaintiff.

6. Having considered the respective submissions at bar, it would be just and proper to grant ad-interim relief to the plaintiff in terms of prayer clause (c). For easy reference, prayer clause (c) is reproduced here, which reads thus;

“c)That pending the hearing and disposal of the Suit, an order and injunction of this Hon’ble Court be passed against the Defendant and/or her agent and/or servant and/or any person claiming through and/or under the Defendant from publishing, circulating and/or

communicating to the public and/or republishing any defamatory/slanderous comments and/or communicating to the public any defamatory, slanderous, libellous comments and/or statements against the Applicant/Plaintiff, whether by way of the offending and/or defamatory statements against the Applicant/Petitioner and/or the offending videos listed in the 'Schedule at Exhibit B' to the Plaint and/or by any other means and/or mediums whatsoever;"

7. The defendant shall file affidavit-in-reply, if any, within four weeks from today. Affidavit in rejoinder to be filed within two weeks thereafter.

8. S.O to 22nd December, 2020.

9. This order will be digitally signed by the Personal Assistant of this Court. All concerned shall act on production by fax or e-mail of a digitally signed copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]