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

SUIT (L) NO.37958 OF 2024

Rupali Ganguly Verma @ Rupaly Ashwin Vermaa ... Plaintiff
V/s.
Esha Verma & Anr. ... Defendants

WITH
INTERIM APPLICATION (L) NO.38060 OF 2024
IN
SUIT (L) NO.37958 OF 2024

Ms. Sana Raees Khan a/w Neha Balani for the Plaintiff/Applicant.

CORAM : ARIF S. DOCTOR, J.
DATE : 15TH JANUARY 2025

P.C. :

1. The Plaintiff, (who is an actress) has filed the captioned Suit alleging defamation at the hands of the Defendant No. 1 as more particularly detailed in the Plaint, Compilation of Articles and Additional Documents.
2. Defendant No. 1 though served has not appeared. It was thus that this Court had, on 16th December 2024, passed the following order, viz.

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“P.C.

- 1. Stand Over to 6th January, 2024 under the caption “for ad-interim relief.”*
- 2. If on that date, the Defendant is not represented, then Court shall proceed with the matter in the absence of the Defendant”*

3. I have heard Ms. Khan, Learned Counsel appearing on behalf of the Plaintiff.

4. Ms. Khan at the outset submitted that Defendant No. 1 is the daughter of the Plaintiffs husband, from his first marriage. She then submitted that Defendant No. 1 had in the year 2020, soon after the launch of a television series titled ‘Anupama’ in which the Plaintiff had the lead role, posted the following on the Defendants Facebook page, viz.

“Does anyone know the real story of Rupali Ganguly? She has had an affair with Ashwin K Verma for twelve years while he was in his second marriage..... She is controlling and psychotic towards him..... she’s conducted acts very similar to what Riya Chakraborty has done to SSR she leads my dad’s strange medications and is very controlling.”

5. Ms. Khan then pointed out that Defendant No.1 had again, recently, begun defaming the Plaintiff *inter alia* by giving interviews which were widely published and circulated. Ms. Khan has tendered a complication of the said interviews given by Defendant No.1 to various newspapers/

publications. The relevant extracts from some of these interviews is reproduced below in a tabular form, viz.

Date	Magazine/Journal	Statements	Reference
04/11/24	Free Press Journal	<p><i>“Rupali is my father’s third marriage. My mom is the second and I do not want to speak about the first because that is literally not my place. My parents were married from 1997 to 2008. There is proof that Rupali has posted and my father as well that they were together and bestfriends and lovers and all that. I am not sure what year, but you can see it on their profile. But I know when their affair started and at that time I was just 2 years old. So we can say in the year 2000 is when it began.”</i></p> <p><i>“As Rupali being the spokesperson for many women, she has not embodied that in her real life. She has very horrible values and I can’t even speak on it. It’s so terrible, it’s so dark. Umm, it is understandably my father’s fault. As a man, you have destroyed your own family, I totally agree. But if you are a woman who knows that a man is in a relationship and is married with two children and is currently in the marriage, why would you go out of your way to pursue that?”</i></p> <p><i>“Rupali would come to my house in</i></p>	Pages 23 to 28 of Additional Documents

		<p><i>New Jersey and stay in my parents bedroom and steal my mother's jewellery. And when we would come to Mumbai to visit my grand parents, she would come to my house and would abuse my mother and she threatened me and my mother and she claimed that I was not my father's kid. I do not have evidence of those texts because this was long time ago and we did not have the technology that we have today. So I don't have the screenshots and all of that but these were the texts we would get."</i></p> <p><i>"So the pain was always there and then my father left when I was 13 years old, I am currently 26. So I tried to tweet about It, put it up on social media but that time the technology was not so advanced and it didn't build attraction and my dad would always say, 'take down the post.' And he did, he asked me to take down the post that he found from Facebook and asked me to say that it was a lie. But I did not do it because that's not fair and they are just trying to save their reputation,"</i></p> <p><i>"I don't understand where a child goes wrong that two adults deliberately break a marriage and having a woman not even let a child meet her father? She would literally threaten me when I would call my father and would yell, 'Watch what I do to you, do not call him.' She would</i></p>	
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05/11/24	Bollywood Bubble	<i>“I don’t know what Rupali and Ashwin will now say further to these</i>	Pages 2 to 4 of Compilation of

		<p><i>allegations and comments. I know my father has said something on Twitter now X. He said that Rupali was not involved, and that is the biggest lie because Rupali was the one who came to my house in New Jersey and slept on my mother's bed—the bed that my father and mother shared. She has done so much, physically, mentally, verbally, and emotionally, abusing me and my mom.</i></p> <p><i>“But I will say if Rupali has claimed the woman that she is, the women's advocate for women's rights, an irony from her character in Anupamaa. That she was a wife who got cheated by her husband, who had an affair and whatnot—that is the story of my mother. She (Rupali Ganguly) was Kavya, I don't watch the show but that's what I have heard. And she comes into our lives. She has made my father, like she told my father to give the divorce papers and this happened twice to my mother. And my father would run off to India to be with her. And regardless of that, having an affair while being married is completely wrong”</i></p>	Articles
05/11/24	India TV	<p><i>“I am speaking up because she claims all over the media that she has a happy married life with my father when in reality she is controlling and mentally deranged towards him. Whenever I try to call my father, she starts yelling and threatens to kill me</i></p>	Page 46 of the Additional Documents

		<p><i>and my mother.”</i></p> <p><i>“Hello, to everyone who has seen the news recently and contacted her, thank you for taking the time to understand my point of view. It is surreal and overwhelming to see something so personal go viral. It is not just a headline, it is my life, my childhood and the pain I suffered then and still feel today. I am grateful to those who have approached it with kindness, consideration and respect. It is very difficult to process, but I am choosing to stand by my experiences because some truths need to be heard. Although I first spoke about this four years ago, I have grown, matured and healed a lot since then. Standing up now and sharing my truth shows the strength I have found in that journey and I believe it should not be shut down.”</i></p> <p><i>“My father and his wife may deny these claims, but I believe their reaction is rooted in fear of the truth coming out. I love my father very much and respect him like any young daughter. But he chose to exclude me from his life and this separation is incredibly painful. <u>Watching her rise in the entertainment world with a public image so far from reality only adds to the pain, especially when she plays a character that advocates the same values she disregarded in real life. I know I am taking a lot of risk by</u></i></p>	
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		<u>speaking out, but if my voice is finally heard, that is enough."</u>	
07/11/24	News 24	“बता दें कि ईशा वर्मा इन दिनों कई इंटरव्यू कर रही हैं, जहां वह रुपाली गांगुली की धज़ियां उड़ाने में लगी हुई हैं। अब उन्होंने टेली टॉक के साथ एक बातचीत में एक्ट्रेस के बेटे को लेकर बड़ा खुलासा किया है। मीडिया रिपोर्ट्स के मुताबिक, इस बातचीत में उन्होंने दावा करते हुए <u>रुपाली गांगुली और अभिन वर्मा के बेटे रुद्रांश को नाजायज बताया है।</u> ”	Page 108 of Additional Documents
09/11/24	Bollywoodshaadi.com	“My mom and I would go out for trips, to meet her family, and we would encourage dad to join, but he would say, 'No, I'm staying back for work or something'. And then, my mom would come back, and she would see that the arrangement of her closet was slightly different, and we noticed over time, and it took a while to understand what was going on. The little jewellery my mother had was missing from the closet. One day, my mom's friend came to deliver food for my dad and saw a woman in the house. She just told us that there was a woman in the house with my dad, and she could see both of them standing inside.” "We didn't know about Rupali for a long time, I think slowly people started telling us because my dad had a lot of connections and a lot of friends here and I think some people started finally speaking out about it but after a long time and telling my	Pages 15 to 29 of Compilation of Articles

		<p><i>mom, 'Hey, listen, be careful, there's someone here in the picture'. So, it didn't happen for a long time, and my mom started confronting him, and he denied it like 'There's nobody, there's no one'. The commercials he would film, he would never show us, he would always show us the production, the editing of his other commercials, but the commercials where Rupali was in, the ads, he didn't show it to us and so we always had suspicion, but we didn't know."</i></p>	
29/11/24	Times of India-Times Entertainment	<p><i>I have targeted Rupali Ganguly because she also was involved in this marital affair.....he was married to and not legally divorced till 2008 but started his affair with rupali in 2000, which they have confirmed on all the social media platforms and all their interview posts"</i></p> <p><i>"to get record straight, my father was separated from his first wife for five years. My parents had a love marriage, he had come from California to meet my mother in India and they got married and they moved back in New Jersey. They got married in 1997 and had me in 1998 and weren't legally divorced till 2008. They did have their issues as a couple would but it got even worse <u>when Rupali came into picture and I think that is what is applicated in Anupamaa as well.</u></i></p> <p><i>"I don't watch the show personally</i></p>	Pages 25 to 42 of Compilation of Articles

		<i>but I understand that Kavya is the main character who is the villain to do that. She works her way to get Anupamaa's husband... my biggest issue is that why would Rupali Ganguly take this role when she is the real-life Kavya"</i>	
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6. Ms. Khan, basis the above material, which she submitted was *per se* defamatory, also coupled with the fact that Defendant No. 1 had thought served and given ample opportunity, not appeared, she submitted that ad – interim relief be granted in favour of the Plaintiff. She submitted that with each passing day, the damage to the Plaintiff's reputation was being compounded. She submitted that the conduct of Defendant No. 1 was also gravely prejudicing and imperiling the Plaintiff career. It was thus she submitted that this Court grant ad – interim relief in terms of prayer clauses (a) to (c) of the Interim Application.

7. After having heard Learned Counsel for the Plaintiff and having gone through the material which has been placed before me, I find that the same are not only *prima facie per se* defamatory but also malicious since Defendant No.1 has in the article dated 29th November 2024 being quoted as having stated that she had targeted the Plaintiff. Additionally, Defendant No. 1,

has not, despite service of notice not appeared before this Court. Hence, I have no hesitation in granting ad – interim relief in terms of prayer clauses (a) to (c) which read thus, viz.

- “a) Pending the hearing and final disposal of the Suit, restrain Defendant No.1, her agents, servants, representatives, followers, or any person acting on her behalf by an order of prohibitory injunction from publishing, posting, sharing, circulating, or otherwise disseminating any defamatory, false, slanderous, or libelous statements, posts, videos, tweets, stories, or content against the Applicant through any medium, including but not limited to social media platforms, digital and print media, or other public forums, either directly or indirectly.*
- b) Pending the hearing and final disposal of the Suit this Hon’ble court be pleased to further restrain Defendant No.1, her agents, servants, or any person acting on her behalf from using or enabling third parties or intermediaries, including John Doe platforms, to perpetuate the defamatory and malicious campaign against the Applicant.*
- c) Pending the hearing and final disposal of the Suit this Hon’ble court be pleased to restrain by an Order of prohibitive injunction the Defendant No.2 including social media, platforms, print media or other digital or non-digital mediums and other relevant intermediaries from publishing, sharing, hosting, circulating or promoting any further defamatory content about the Applicant.”*

8. List the Interim Application for hearing on 17th February 2025.

9. The Plaintiff shall serve Defendant No.1 with a copy of this order.

It is made clear that if on the next date, Defendant No.1 does not enter

appearance, this Court shall proceed to take the Interim Application for hearing in the absence of Defendant No.1.

(ARIF S. DOCTOR, J.)