



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

INTERIM APPLICATION (L) NO.14438 OF 2025

IN

SUIT (L) NO.14435 OF 2025

Girish Dattatray Mahajan

... Applicant

V/s.

Anil Thatte & Ors.

... Respondents

In the matter between

Girish Dattatray Mahajan

... Plaintiff

V/s.

Anil Thatte & Ors.

... Defendants

Mr. Ravi Kadam, Senior Counsel, Mr. Mayur Khandeparkar, Mr. Rohan Kadam, Mr. Prahlad Paranjpe, Ms. Shubra Paranjpe, Rushikesh Mundargi, Manish Kelkar, Subir Sarkar, Ativ Patel, Harshad Vyas, Viloma Shah, Viraj Raiyani, Yash Tembhe i/by AVP Partners for the Plaintiff.

Ms. Charu Shukla for Defendant No.3.

CORAM : ARIF S. DOCTOR, J.

DATE : 08TH MAY 2025

P.C. :

1. The matter is on board today for ad interim relief.

2. Mr. Kadam, Learned Senior Counsel appearing on behalf of the Plaintiff, at the outset tenders a draft amendment, by which the Plaintiff seeks to add Google LLC as a Defendant to present Suit. Given the formal nature of the amendment sought for, the draft amendment is taken on record and marked 'X' for identification. The amendment is allowed in terms of the draft amendment. The Plaintiff shall carry out the amendment as per the draft tendered within a period of two weeks from today. Re-verification is dispensed with.

3. Mr. Kadam then submits that the Suit is filed for defamation essentially on account of the various false, reckless and unsubstantiated allegations made by Defendant No. 1 in respect of the Plaintiff. He submits that Defendant No. 1 has been served and undertakes to file an Affidavit of Service in the Registry within one week from today. Statement is accepted. Insofar as Defendant No. 2 is concerned, Mr. Kadam submits that his address is unknown but he has been served and intimated through a *WhatsApp* message and similarly submits that the Affidavit of Service shall be filed in the Registry. Statement is accepted. Thus, the matter taken up for hearing on ad interim reliefs.

4. Mr. Kadam submits that the Plaintiff, is a sitting Cabinet Minister of the State Government and has been Member of Legislative Assembly since the

year 1995. He then submits that Defendant No.1 has a *YouTube* channel called '*Anil Gaganbhedi Thatte*' on which Defendant No.1 has uploaded five videos in which Defendant No.1 has made a false, reckless and defamatory statements against the Plaintiff. Mr. Kadam then submitted that these video clips have not only garnered several views, but have also been widely disseminated to the public at large. Mr. Kadam submitted that there are presently six such offending videos, five of which have been uploaded on the *YouTube* channel of Defendant No. 1 i.e. '*Anil Gaganbhedi Thatte*' and one on the *YouTube* channel of Defendant No. 2 i.e. '*Mudda Bharat Ka*'.

5. Mr. Kadam then played for the Court one of the video clips from which he highlighted the portion in which the defamatory statements have been made by Defendant No. 1. He then pointed out that the video which was uploaded on 1st April 2025, which titled as "*How Girsh Mahajan's Nights are Colourful*" and from the transcript of videos pointed out that Defendant No. 1 had gone on to make entirely false statements and insinuations against the Plaintiff including insinuations of the Plaintiff's conduct with a lady IAS officer for which the Plaintiff had been reprimanded by a senior Union Cabinet Minister. He submitted that all these statements and insinuations were completely reckless, false and *per se* defamatory.

6. Mr. Kadam then submitted that Defendant No.1 had on 8th April 2025 uploaded a video with a title *“Girish Mahjan wants 100 Crores... another sensational revelation”* which records Defendant No. 1 stating as follows :

“So now if that notice comes, I will read it out to you. You know, there is formula of such notices, Now, I have almost learnt by heart and do you know what my advocate say on such kind of notice. I have even learnt that also by heart and how to face it is also learnt by heart. So now if such notice of 100 crores comes, sorry what happens together with five cases, I call it 500 Crores. Therefore by mistake I call it 500.”

7. Mr. Kadam then pointed out that the Plaintiff’s advocates had on 10th April 2025, issued a cease-and-desist notice to Defendant No.1. He submitted that despite receipt of the cease-and-desist notice, however Defendant No.1 on 14th April 2025 uploaded another video in which Defendant No. 1 *inter alia* has stated that *“Arey, we will enjoy a lot, Dear, when **** stands up for giving evidence..... *** has said why are you calling me as witness in a matter of such miniscule animal”*.

8. Basis the above, Mr. Kadam submitted that it was clear that the intention of Defendant No. 1 was only to malign and defame the Plaintiff on the basis of completely false, baseless and reckless statements and insinuations. He submitted that it was clear that Defendant No.1 was attempting to sensationalise at the cost of the Plaintiff’s goodwill and reputation. He also

pointed out that the conduct of Defendant No.1 by uploading the video on 8th April 2025 as also on 14th April 2025, which was uploaded after receipt of the cease-and-desist notice made it clear that Defendant No.1 had scant regard for the law.

9. Mr. Kadam then placed reliance upon the judgement of this Court in the case of ***Jagadishkumar Thakkar v. Waahiid Ali Khan & Ors.***¹ with particular emphasis on the following paragraphs:

"15. In words of Cave, J in Scot vs. Samson, 1882 (8) QBD, The Law recognizes in every man a right to have the estimation in which he stands, in the opinion of others, uneffected by false statement to his discredit." Every man possesses an inherent personal right to have his reputation reserved inviolate. Any imputation which may tend to lower the image of a person, in the estimation of right thinking members of society generally or to expose him to hatred, contempt or ridicule is defamatory to him. The publication of words defamatory of the Plaintiff, give rise to prima facie cause of action and the law presume in favour of such a party, that the words are false unless the Defendant proves to the contrary.

19. Under the Law of Defamation, the test of defamatory nature of a statement is its tendency to insight an adverse opinion on feeling of other persons towards the Plaintiff. The words must result in the Plaintiff to be looked upon with the feeling of hatred, contempt, ridicule, dislike or to convey an imputation to him or disparaging him or his office, profession, calling, trade or business. In India, like most other common law countries the burden is proof is on the Defendant to show that the statement is true or the publication was not intentional. In S. Puttaswamy vs. Union of India, a 9 Judge Bench of the Highest Court has authoritatively held that right of privacy is a fundamental right and the only permitted exception is where, there is counter veiling public interest, which in particular circumstances is strong enough to outweigh it."

1 2024 SCC OnLine Bom 1079

10. Basis the above, Mr. Kadam submitted that the Plaintiff was entitled to the grant of ad interim relief, since the offending videos were gravely affecting the Plaintiff's reputation and goodwill. He reiterated that these videos have been widely circulated and viewed by thousands of individuals, thereby exacerbating the damage caused to the Plaintiff's reputation and that Defendant No. 1 though served had chosen not to appear.

11. Having heard Mr. Kadam, I find that a case for the grant of ad interim relief has been made out. The statements made by Defendant No. 1 in the videos as discerned from the transcripts are in my *prima facie* view *per se* Defamatory. Defendant No.1 despite being served has chosen not to appear today and justify the basis on which the statements and insinuations have been made against the Plaintiff. Hence, there shall be an ad interim order in terms of prayer clauses (a) and (c) till the next date. Prayer clauses (a) and (c) reads viz;

"a. Pending disposal of the present suit, the Defendant No.1 and Defendant No.2 by themselves or through their associates, agents, partners, relatives, representatives, supporters and all other persons claiming by, through or under them or otherwise howsoever be restrained by a permanent order and injunction from in any manner, making, publishing or republishing and/or broadcasting or rebroadcasting and/or causing to be published or republished and/or causing to be broadcasting any defamatory and/or libellous or slanderous statements, video or articles or interview or statement in any form whatsoever or the statements in relation to which

the Plaintiff has taken objection to in the present Plaintiff pertaining to the Plaintiff on any of the social media websites/portals including Youtube, Facebook, Twitter, including but not limited to the said defamatory press conference / video and transcripts which are found in the pen-drive and at Exhibit "B", "E", "H", "K", "O" and "R" of the plait and the Defamatory Statements and innuendos which are specifically identified by the Plaintiff at Exhibits "U" and "V" in the Plaintiff;

- c. Pending disposal of the present suit, all the Defendants themselves himself or through their associates, representatives, sympathizers, supporters, hire lings, agents, or any person acting through him or otherwise howsoever be ordered and/or directed to take down all the six videos which have been annexed to the Plaintiff which are full of Per se Defamatory statements and innuendos which are the referred hereinabove of the Defendant Nos.1 and 2 in relation to the Plaintiff;"*

12. Let a copy of this Order be served upon all the Defendants, including Defendant No.4 (Google LLC).

13. Ms. Shukla, learned Counsel for Defendant No.3 submits that Defendant No.3 has been incorrectly impleaded as a party, as it is Google LLC that owns and operates the *YouTube* platform. Her submission is noted and the Plaintiff may take necessary steps to implead the appropriate party, namely Google LLC, which has now been added as Defendant No.4 by way of amendment.

14. Once this order is uploaded, the Plaintiff shall communicate the same to Defendant No.4, which shall then act upon it in accordance with law and cooperate in ensuring compliance.

15. List the matter on **20th June 2025** for further hearing on ad interim relief.

(ARIF S. DOCTOR, J.)