



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 38469 OF 2025
IN
COMMERCIAL IP SUIT (ST) NO. 38338 OF 2025

Shilpa Shetty Kundra
Vs.

... Applicant

Getoutlive.in & Ors.

... Respondents

Ms. Sana Khan a/w Rashmi Raghavan for the Applicant.

Mr. N. Pathak (through VC) i/by Sai Krishna & Associates for
Defendant No.3.

Ms. Amishi Sodani (through VC) i/by Charu Shukla for Defendant
Nos.15 & 24.

CORAM : ADVAIT M. SETHNA, J.
DATE : 26th DECEMBER, 2025
[VACATION COURT]

PC:-

1. This Interim Application has been filed by the Applicant-Plaintiff seeking the following substantive reliefs which are relevant at this juncture, to these proceedings:-

“b) It has come to the Applicant's knowledge that unknown and unscrupulous persons have, without her consent, authority, or licence, used her photographs and visual depictions to generate and circulate obscene and sexually explicit deepfake content created through artificial intelligence which squarely falls within the category of "deepfakes, face morphing and/or GIFs" already forming the subject matter of the present proceedings. This unauthorized creation and dissemination of obscene content purporting to feature the Applicant amounts to a grave violation of

her personality rights, privacy, and bodily autonomy, and is an affront to her personal dignity, integrity, and respect as a woman, causing her severe mental anguish, embarrassment, and humiliation. As a respected and well-known public figure and artiste of repute, the continued spread of such material gravely tarnishes her reputation and inflicts irreparable damage to the esteem in which she is held by the public and the industry. The exploitation is continuous and ongoing, with new obscene deepfake images being created and circulated daily across online platforms, thereby compounding the harm with each passing day. In these circumstances, the impugned conduct raises serious ethical concerns and potential legal violations, and the persistent misuse of the Applicant's likeness and other indicia of her personality necessitates urgent ad-interim and interim protection from this Hon'ble Court to prevent further irreparable injury to her dignity, privacy, and reputation.

c) That the Defendant nos. 1 to 28 be ordered and decreed to take down/ remove/delete/block access to/suspend all infringing content that has been uploaded by the Defendants herein as well as the infringing URLs identified by the Applicant.

d) That pending the hearing and final disposal, the Defendant nos. 1 to 28 be ordered and directed to take down/ remove/ delete/ block access to/ suspend/ cancel all infringing content that has been uploaded herein as well as the infringing URLs as identified by the Applicant;”

2. At the outset, learned counsel for the Applicant-Plaintiff submits that the Plaintiff is a reputed and acclaimed actress, TV personality health and fitness enthusiast and a notable public figure. She has

acted in over 50 Bollywood cinemas, 10 TV shows and has successful business ventures all across India.

3. It is stated that she has a huge social media fan following and approximately 3.34 crores followers on Instagram. Learned counsel for the Plaintiff would submit that the Plaintiff is notable celebrity with personanlity rights which encompass her rights to privacy and dignity as well as the right to protect her likeness from commercial exploitation.

4. The record reveals that this Court had passed an order dated 15 December 2025 which reads thus:-

“PC.:

1. At the outset, learned counsel appearing for Plaintiff tenders the draft amendment. Considering the nature of amendment and the fact that the Application is at pre-admission stage, amendment is allowed. Amendment to be carried out on or before 19th December, 2025.

2. Let the copy of the Interim Application be served upon the Defendant Nos. 1, 13, 20 and 24. The grievance of learned counsel appearing for Defendants is that the URL are not being correctly provided by reason of which even if any interim order is passed, Defendants will be unable to implement the same.

3. Learned counsel appearing for Plaintiff submits that URL will be provided to Defendants on or before 18th December, 2025.

4. Stand over to 22nd December, 2025 ‘circulation’.”

5. Pursuant to the above order, the Plaintiff has carried out the necessary amendments in the Plaint as well as in the Interim Application. These amendments are carried out in paragraphs 40A and

40B of the Interim Application. The same read thus:

“40A: The Petitioner submits that the commercial exploitation and violation of dignity of the Petitioner has caused immense loss to her reputation, dignity and goodwill and has resulted in her defamation. The Petitioner submits that since Respondents No.1 to 15 have wrongly associated the Plaintiff with their commercial goods, whose quality is unknown, the Petitioner's name is being incorrectly associated with substandard vendors and suppliers of goods and apparel. Similarly, Respondents No.16-25 and Respondent No.28 have used image morphing tools and generative AI to defame the Petitioner's honor and dignity as a woman and a well recognized celebrity. These actions have resulted in defamation of the Petitioner's reputation in society.

40B. The Petitioner submits that she is a resident of Mumbai. Respondents No. 1 to 28 who are committing wrongful acts and violating the personality rights of the Plaintiff are doing so through their respective websites which are also accessible in Mumbai. The harmful repercussions of these actions of Respondents No. 1 to 28 are felt by the Petitioner in Mumbai. Finally, as the Petitioner seeks to protect her personality rights, claim reliefs against the defamatory acts committed against her reputation and goodwill, she is seeking to vindicate wrongs committed to "her person" as mentioned under Section 19 of the Code of Civil Procedure, 1908. Therefore, it is humbly prayed that leave under Clause XII of the Letters Patent Act be dispensed with for the purposes of this Interim Application.”

6. The amendments have also been carried out in the Plaint at paragraphs 79A and 79B. The amended copies of the Interim Application and Plaint shall be filed in the Registry. Learned counsel for the Applicant undertakes to do the same.

7. Pursuant to the directions of this Court dated 15 December 2025, the list of all the URLs have been provided to all the

Defendants. All the Defendants as stated by the learned counsel for the Plaintiff are duly served. She undertakes to file an affidavit of service before 4.00 p.m. today. Learned counsel appearing on behalf of Defendant Nos.13, 15 and 24 through video conferencing have agreed that the list of URLs, pursuant to this Court's order dated 15 December 2025, have been duly received by them. Learned counsel for the Plaintiff has submitted that Defendant Nos.1, 11 and 13 have already removed the URLs from their respective platforms/websites.

8. The contention of Ms. Khan for the Plaintiff is essentially to seek protection of the personality rights of the Plaintiff. This would include her right of privacy and a right to live with dignity guaranteed under Article 21 of the Constitution of India as also protection of her moral rights guaranteed under the Copyright Act, 1957. She would submit that the material which is presented and available on social media platforms through the URLs violate such rights including her fundamental right under Article 21 of the Constitution.

9. Today, along with praecipe the Plaintiff has tendered some photos/pictures apparently from social media platforms being available on the above URLs *prima facie* infringe upon her likeness, image, persona, without her consent. These, *prima facie*, appear to be

deepfakes generated by using AI. The photos as presented, *prima facie* would tarnish her public image which ought to be deprecated. The praecipe along with the relevant annexures is taken on record of these proceedings.

10. At this stage, the Court is not adjudicating upon the issue of personality rights available under the Copyright Act as contended by Ms. Khan. This issue is kept open for adjudication before the regular Court. However, at this juncture pursuant to the material which is tendered by Ms. Khan on record is *prima facie*, disturbing. No person much less a woman can be portrayed in a fashion which affects her fundamental right to privacy guaranteed under Article 21 of the Constitution and that too without her knowledge and/or consent. This would include her right to live with dignity, which cannot be compromised in any manner whatsoever.

11. The Applicant-Plaintiff is a well known film personality as also active on various social media platforms. Portrayal of such images through the URLs, a list of which has been furnished, would *prima facie*, tarnish her image and reputation. This cannot be countenanced.

12. It may be observed that, without even going into the nuances of personality rights of the Plaintiff, the Court's have treated such rights

as a shield for women against privacy violations especially in the context of digital malignment and AI generated content. To reconstruct a person's identity without consent is a violation of their digital personhood. This appears to be the case here.

13. Such blatant violations if found to be true/genuine, by misusing technology and AI ought to be nipped in the bud. A person's much less a woman's dignity cannot be publicly maligned or defamed that too without consent which is the *sine qua non* for such publications. Artificial Intelligence and technology are a boon in today's contemporary times to be employed to ensure speedier and efficient implementation of the laws, and not as a handle of its misuse.

14. For all of the above reasons, interest of justice would be served by passing the following order:-

- a) All Defendants are directed to delete the URLs, the list of which has been furnished to them from their respective platforms/websites forthwith, no later than this order being uploaded on the website of this Court.
- b) The Defendant Nos.26 and 27 i.e. Ministry of Electronics and Information Technology (MeitY) and Department of Telecommunications (DoT) respectively, who are also duly

served, are directed to pull down all links, posts and websites which unlawfully infringe the privacy rights of the Applicant-Plaintiff.

15. It is clarified that while making the above *prima facie* observations, the Court has not delved into the merits including the aspect of personality rights of the Plaintiff and/or any other contested issues in the Plaint, which are kept open to be adjudicated before the regular Court.

16. The parties are at liberty to mention the Interim Application after vacations.

17. The parties shall act upon an authenticated copy of this order.

(ADVAIT M. SETHNA, J.)