

AMITABH BACHCHAN v. RAJAT NAGI (*Navin Chawla, J.*)

641

(2022) 6 High Court Cases (Del) 641

2022 SCC OnLine Del 4110

a

HIGH COURT OF DELHI

(BEFORE NAVIN CHAWLA, J.)

AMITABH BACHCHAN

.. Plaintiff;

Versus

RAJAT NAGI AND OTHERS

.. Defendants.

b

CS (Comm.) No. 819 of 2022, decided on November 25, 2022

c

Intellectual Property — Copyright — Celebrity/Personality Rights — Protection — Interim injunction — Plaintiff, a world famous Indian actor complaining violation of his publicity rights as a celebrity — Held, prima facie case of interim protection made out — Interim injunction granted which was binding on the statutory authorities as well as telecom service providers through which objectionable material disseminated — Civil Procedure Code, 1908, Or. 39 Rr. 1 and 3

Allowing the application, the High Court of Delhi

Held :

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The plaintiff has made out a good prima facie case for grant of an ad interim ex parte injunction. The balance of convenience is in the plaintiff's favour and against the defendants. The defendants appear to be using plaintiff's celebrity status for promoting their own activities, without his authorisation or permission. The plaintiff is likely to suffer grave irreparable harm and injury of his reputation. Some of the activities complained of may also bring disrepute to the plaintiff. (Para 21)

Titan Industries Ltd. v. Ramkumar Jewellers, 2012 SCC OnLine Del 2382, *relied on*

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The statutory authorities and the telecom service providers through which objectionable material is disseminated are also bound the interim injunction. (Para 22)

VS-AS/138914/DEL

Advocates who appeared in this case :

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Harish Salve, Senior Advocate (Pravin Anand, Ameet Naik, Ms Madhu Gadolia, Dhruv Anand, Ms Udit Patro, Sujoy Mukherjee, Ms Nimrat Singh, Ms Swati Jain, Ms Sampurnaa Sanyal, Ms Tarini, Rashmin Khandekar and Ms Karishni Khanna, Advocates), for the Plaintiff.

Chronological list of cases cited

on page(s)

1. 2012 SCC OnLine Del 2382, *Titan Industries Ltd. v. Ramkumar Jewellers*

643

g

The Order of the Court was delivered by

NAVIN CHAWLA, J.—

IA No. 19730 of 2022

1. Allowed, subject to all just exceptions.

IA No. 19729 of 2022

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2. This is an application filed on behalf of the plaintiff seeking leave to file additional documents, which are not in the power, possession, control or custody of the plaintiff at the moment.

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642 HIGH COURT CASES (DELHI) (2022) 6 HCC (Del)

3. The plaintiff may file the additional documents strictly in accordance with the provisions of the law.

4. The application stands disposed of. a

IA No. 19733 of 2022

5. By the present application, the plaintiff seeks exemption from filing notarised affidavit under Section 65-B of the Evidence Act, 1872 read with Order XI Rule 6(3) of the Civil Procedure Code, 1908, as applicable to commercial disputes. b

6. In the application, it is stated that the authorised signatory was travelling abroad and, therefore, was not physically available for signing and getting the said affidavit notarised. The learned counsel for the plaintiff submits that such affidavit shall be filed within a period of one week from today.

7. In view of the above, exemption is granted subject to the condition that such affidavit is filed within a period of one week from today. c

IA No. 19732 of 2022

8. This application has been filed seeking exemption from initiating pre-institution mediation under Section 12-A of the Commercial Courts Act, 2015.

9. Having perused the contents of the application, the same is allowed. d

IA No. 19731 of 2022

10. This is an application seeking enlargement of time for filing of the court fees.

11. The learned counsel for the plaintiff submits that the court fee has been filed.

12. Accordingly, the application is disposed of as having been rendered infructuous. e

CS (Comm.) No. 819 of 2022

13. Let the plaint be registered as a suit.

14. Issue summons to the defendants to be served through all permitted modes, including electronically, returnable on 20-3-2023 before the learned Joint Registrar (Judicial). f

15. The summons to the defendants shall indicate that the written statement(s) to the plaint shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file the affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record. g

16. Liberty is given to the plaintiff to file the replication(s) within a period of four weeks of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiff, the affidavit of admission/denial of documents of the defendants be filed by the plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines. h

IA No. 19727 of 2022

17. Issue notice.

a **18.** On the plaintiff taking steps, let notice be served on the defendants through all permissible modes, including electronically, returnable on 20-3-2023 before the learned Joint Registrar (Judicial).

19. Let reply to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

b **20.** By this application, the plaintiff alleges violation of his “publicity rights as a celebrity” as has also been recognised by this Court in its judgment in *Titan Industries Ltd. v. Ramkumar Jewellers*¹. It cannot seriously be disputed that the plaintiff is a well-known personality and is also represented in various advertisements. The plaintiff is aggrieved by the defendants’ unauthorised use of his celebrity status to promote their own goods and services, without his permission or authorisation. Details of such violations are being explained by the plaintiff in the plaint along with the documents in support thereof.

c **21.** Having considered the contents of the plaint, the documents filed therewith, as also having heard the learned Senior Counsel for the plaintiff, I am of the opinion that the plaintiff has been able to make out a good prima facie case in its favour for grant of an ad interim ex parte injunction. The balance of convenience is also in favour of the plaintiff and against the defendants. The defendants appear to be using plaintiff’s celebrity status for promoting their own activities, without his authorisation or permission. The plaintiff is, therefore, likely to suffer grave irreparable harm and injury of his reputation. In fact, some of the activities complained of may also bring disrepute to him.

d **22.** In view of the above, there shall be an ad interim ex parte order of injunction in terms of paras 32(i) and (ii) of the application in favour of the plaintiff and against the defendants. Directions in terms of paras 32(iii) and (iv) of the application are also issued to the necessary statutory authorities as also the Telecom Service Providers.

e **23.** Compliance with Order 39 Rule 3 of the Civil Procedure Code, 1908 be made within a period of two days from today.

IA No. 19728 of 2022

24. Issue notice.

f **25.** On the plaintiff taking steps, let notice be served on the defendants through all permissible modes, including electronically, returnable on 20-3-2023 before the learned Joint Registrar (Judicial).

26. Let a reply to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

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¹ 2012 SCC OnLine Del 2382