



Sharayu Khot.

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

INTERIM APPLICATION (L) NO. 23969 OF 2025

IN

SUIT (L) NO. 23965 OF 2025

M/s. Chandiwala Enterprises Private Limited & ...Applicants
Ors. (Org. Plaintiffs)

Versus

Sanjay Nirupam ...Respondent
(Org. Defendant)

Mr. Janak Dwarkadas, Senior Counsel with Mr. Cherag Balsara, Mr. Yogesh Patil and Mr. Sanjeev Singh i/by Ritesh Singh for the Applicants / Plaintiffs.

Mr. Mahesh B. Gupte for the Defendant.

CORAM : R.I. CHAGLA J

DATE : 20 August 2025

ORDER :

1. Mr. Janak Dwarkadas, the learned Senior Counsel for the Plaintiffs / Applicants has submitted that on 11th August 2025, this Court had permitted the Plaintiffs / Applicants to file additional Affidavit, which has thereafter been filed. He has also referred to the order dated 18th August 2025, wherein it was recorded that the

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Defendant had neither made appearance on 11th August 2025 or today when the matter has been listed. It has been recorded that as and by way of last chance to the Defendant, the Interim Application is being stood over to 20th August 2025 to be shown for *ad-interim* relief on the supplementary board. It was made clear that in the event the Defendant does not make an appearance on the next date, the Interim Application shall be heard in his absence. The Advocate for the Applicants / Plaintiffs was directed to serve notice of the said order on the Defendant and file Affidavit of Service to that effect prior to the next date.

2. Mr. Dwarkadas has referred to the Affidavit of Service dated 9th August 2025, which has been filed. He has in particular referred to paragraph 3 of the said Affidavit, wherein the Advocates for the Plaintiffs had intimated the Defendant about the next date of hearing of the matter by sending the copy of Intimation letter to the Defendant on the Whatsapp number and which message has been received by the Defendant. The said Intimation letter has also been sent by email to the Defendant's email ID.

3. Mr. Dwarkadas has referred to the subsequent Affidavit

of Service filed today, wherein in paragraphs 2 and 3 of the said Affidavit, it is stated by the Deponent viz. Ritesh Singh, Advocate for the Plaintiff, that pursuant to the order passed on 18th August 2025, the Advocate's notice dated 19th August 2025 was handed over by one Naresh Surendra Humane to the Defendant at his residence at around 2:30 p.m. The Defendant tore the said notice and returned the same to the messenger of the said notice. Annexed at Exh.C is a copy of the torn letter. It is further stated in the said Affidavit that the order dated 18th August 2025 was uploaded on 19th August 2025 around 4:00 p.m. and served upon the Defendant by email as well as on Whatsapp number. This has been received by the Defendant.

4. Today an Advocate appears for the Defendant and has sought time to file Vakalatnama on behalf of the Defendant.

5. I am not inclined to grant adjournment in the matter, particularly in view of the conduct of the Defendant. The Defendant has no respect for the proceedings before this Court and this is evident from his conduct of tearing the notice dated 19th August 2025 which referred to the matter having been listed on 11th August 2025 and despite service, the Defendant had not made an

appearance.

6. I have heard Mr. Dwarkadas on the *ad-interim* Application. I have noted the contents of the additional Affidavit, which has been filed. Annexed at Exh.A to the said additional Affidavit are various documents / press conferences, wherein defamatory allegations have been made by the Defendant. A response has been given by the Plaintiff in the said Affidavit to the allegations of the Defendant in the documents / press conferences which is in tabular form at paragraph 3 of the said additional Affidavit. This is with respect to the Societies in which redevelopment has been taken up. Upon perusing the response, I find that there is substance in the *ad-interim* case made out on behalf of the Plaintiffs / Applicants.

7. It is clear from the letter dated 20th February 2025, which has been annexed at Exh.V to the Plaint that the Defendant has made communal allegations against the Plaintiff Developer in connection with the redevelopment of the Shree Shankar Society. I *prima facie* find these allegations to be wholly untrue, considering that out of the 67 residents of the Shree Shankar Society, there are 7 Muslims residents. Thus, the allegation made that the redevelopment

is a secret campaign in which Muslims Developers take up slum development projects and illegally register slums in the name of Muslims by taking SRA officials along with them in their project is, in my *prima facie* view, wholly untrue.

8. Further, I am of the *prima facie* view that the allegations made by the Defendant with regard to the redevelopment of other Societies by the Plaintiff – Developer are false.

9. In view thereof, the Defendant is restrained by way of temporary order of injunction from making or publishing any defamatory/ slanderous or libelous statement / imputation against the Plaintiffs of the like nature as that contained in the documents, which are annexed at Exh.A to the additional Affidavit dated 9th August 2025.

10. The Advocates for the Defendant shall file their Vakalatnama within a period of one week from the date of this order. The Defendant is also at liberty to file Affidavit in Reply within a period of two weeks from today.

11. Interim Application shall be placed for consideration on 10th September 2025.

[R.I. CHAGLA J.]

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