* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment Reserved on: 02.11.2026

% ***Judgment Delivered on: 06.11.2026***

\# **CNR No. DLHC010511692026**

\+ **CS(COMM) 1156/2026**

SOURAV GANGULY & ANR. .....Plaintiffs

versus

MASHA SAJDEH & ORS. .....Defendants

Advocates who appeared in this case

For the Plaintiffs : Mr. J. Sai Deepak, Senior Advocate with Ms. Jaya Goyal, Ms. Manmeet Kaur, Ms. Gitika Agarwal, Mr. Arjun Agarwal and Mr. K. K. Makhija, Advocates.

For Defendant Nos. 1 to 6 : Mr. Sourav Kirpal, Senior Advocate with Mr. Ameet Naik, Mr. Dhruv Anand, Ms. Madhu Gadodia, Mr. Dhananjay Khanna, Ms. Bhavya Verma, Mr. Sanjeevi Seshadri, Ms. Sakshi Dube, Ms. Khushi Aggarwal, Ms. Unnati Gambani and Ms. Arya, Advocates for D-1 to D-6.
Mr. Shivam Goel, Ms. Ramya S. Goel, Ms. Sanya Sharma and Ms. Ishika Kanyal, Advocates for D-7.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

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JUDGMENT

TEJAS KARIA, J

I.A. 29441/2026 (U/O XXXIX Rules 1 and 2 of CPC)

INTRODUCTION

1. This Judgment decides the present Application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 ("**CPC**"), whereby the Plaintiffs seek an *ad-interim* injunction restraining Defendant Nos. 1 to 6 from exhibiting, screening, communicating to the public, broadcasting or streaming the cinematograph film titled '*Doosra*' ("**Impugned Film**") through theatrical, non-theatrical, television, satellite, digital, online, ancillary or any other means, mode or medium, pending final disposal of the Suit.

2. The present Suit has been instituted to protect the personality, publicity, identity, persona, reputation and goodwill rights of Plaintiff No. 1 against their alleged unauthorised commercial appropriation in connection with the Impugned Film, as well as the contractual rights acquired by Plaintiff No. 2 from Plaintiff No. 1 in respect of the production and exploitation of the cinematograph film titled '*Dada-The Sourav Ganguly Story*' ("**Biopic**"), based on the life story, personal and professional journey, experiences and achievements of Plaintiff No. 1.

3. Plaintiff No. 1 is a former Captain of the Indian National Cricket Team and former President of the Board of Control for Cricket in India ("**BCCI**"). Plaintiff No. 2 is engaged in the business of development, production and exploitation of cinematograph films and other audio-visual content.

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4. Defendant Nos. 1 to 4 and 6 are associated with the production of the Impugned Film. Defendant No. 5 is the Director of the Impugned Film, and Defendant No. 7 is the identified distributor of the Impugned Film.

FACTUAL BACKGROUND

5. In June 2017, Defendant No. 1's husband met Plaintiff No. 1 allegedly to discuss the Impugned Film. On 10.07.2017, Defendant No. 1's husband sent an email to Plaintiff No. 1 stating that he was planning to visit India to finalise plans for the Impugned Film and discuss the inputs of Plaintiff No. 1 in this regard.

6. In February 2018, Defendant No. 1 and her husband again approached Plaintiff No. 1 and discussed the possibility of interviewing Plaintiff No. 1 for the Impugned Film.

7. *Vide* email dated 04.05.2018 addressed to Mr. Partha Rudra, Plaintiff No. 1's manager ("**Mr. Rudra**"), with Plaintiff No. 1 marked in copy, Defendant No. 1 sought suggestions regarding the availability of Plaintiff No. 1 for an interview and further mentioned the presence of other public figures to be interviewed for the Impugned Film.

8. On 06.06.2018, Defendant No. 1 addressed an email to Mr. Rudra to discuss the availability of Plaintiff No. 1 for an interview.

9. *Vide* email dated 06.06.2018, Mr. Rudra responded to the aforesaid communication dated 06.06.2018 stating as under:

> "*…I did have a chat with Mr. Ganguly once i had a telephonic conversation with you regarding the project. At that point of time i did mention to you that there was a discussion going on about his biopic and so the biggest challenge which came to the forefront was, how can a biopic and a documentary on the same person go hand in*

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hand? I also discussed the same with Mr. Ganguly and since then the matter has rested there…"

10. Thereafter, Defendant No. 1 addressed an email dated 16.06.2018 to Mr. Rudra stating that the Impugned Film is about India and how the nation has undergone a dramatic change in mindset, that several other personalities in the areas of sports, business, politics and entertainment are also being interviewed in this regard, and that the nature, scope and purpose of the Impugned Film is "*very different from a biopic that would be based on*" Plaintiff No. 1's autobiography.

11. On 28.06.2018, Defendant No. 1 addressed an email to Mr. Rudra, requesting confirmation regarding the availability of Plaintiff No. 1 for an interview.

12. On 01.07.2018, Defendant No. 1's husband informed Plaintiff No. 1 that they had spent considerable money organizing interviews to align with Plaintiff No. 1's travel in England and availability of other interviewees.

13. Plaintiff No. 1 responded to the communication dated 01.07.2018 by a text message on the same date, stating that Plaintiff No. 1 was struggling to find time for the interviews but would revert to Defendant No. 1's husband with a different date.

14. *Vide* communication dated 27.06.2019 addressed to Plaintiff No. 1, Defendant No. 1's husband again stated that he was working on a film that tells the story of how Cricket changed India, seen through the eyes of a young girl and that the said film covers the period from 1991-2002 culminating in the 2002 NatWest Final.

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15. In June 2019, Defendant No. 1's husband informed Plaintiff No. 1 about the proposed release of the promotional video of the Impugned Film ahead of the '*India versus England World Cup*' match.

16. Subsequently, the promotional video of the Impugned Film was released in June 2019 ("**Teaser**"). In the meanwhile, Defendant No. 1 entered into various agreements for acquiring licensed archival footage of cricket matches and events including a No Objection Certificate from MS Productions74 for the use of six seconds of footage from the documentary titled '*The Warrior Prince*', an International Cricket Council ("**ICC**") Footage Licence Agreement dated 08.06.2020 for footage from the ICC events namely, the ICC Cricket World Cup 1999, ICC Knock Out 2000 and ICC Champions Trophy 2002, a Licence Agreement dated 03.07.2020 with Lobster Films, and a Licence Agreement dated 08.01.2021 with New Delhi Television Limited for the footage specified in Annexure A to the said Agreement.

17. Plaintiff Nos. 1 and 2 entered into an agreement dated 05.08.2021 ("**Life Rights Agreement**") in relation to the production and exploitation of audio-visual content based on the life, personal and professional journey, experiences and achievements of Plaintiff No. 1, namely, the Biopic. On 09.09.2021, Plaintiff No. 1 announced on Twitter that Plaintiff No. 2 would produce the Biopic.

18. Defendant No. 1 further entered into various agreements for acquiring licensed archival footage of cricket matches and events, including a Clip Licence Agreement dated 29.10.2021 for the archival footage of the 2002 NatWest Final between England and India, a Clip Licence Agreement dated

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10.08.2026, Footage Licence Agreement dated 10.08.2026 with the BCCI for licensing of archival footage of cricket matches and events detailed in Schedule 1 of the said Agreement and AP Archive Agreement dated 28.08.2026.

19. On 08.07.2026, Plaintiff No. 1 released the first-look poster of the Biopic with proposed release date of the Biopic being 14.05.2027.

20. Defendant Nos. 1 to 6 released the official trailer of the Impugned Film on 12.10.2026 ("**Trailer**"). The Impugned Film was certified for public exhibition by the Central Board of Film Certification ("**CBFC**") on 15.10.2026.

21. The Plaintiffs issued a Legal Notice dated 17.10.2026 ("**Legal Notice**") to Defendant Nos. 1 to 6 asking Defendant Nos. 1 to 6 to cease and desist from releasing the Impugned Film.

22. Defendant Nos. 1 to 6 responded to the Legal Notice *vide* Replies dated 19.10.2026 and 20.10.2026 stating that the making, subject matter and promotional material of the Impugned Film had been in the public domain since 2019, that Plaintiff No. 1 had, at all times, even prior to the official announcement of the Impugned Film, been aware of and consulted over the process and development of the Impugned Film and that the Legal Notice is aimed at arm-twisting Defendant Nos. 1 to 6 on the eve of release of the Impugned Film.

23. Subsequently, the Plaintiffs instituted the present Suit on 21.10.2026, prior to the scheduled theatrical release of the Impugned Film on 23.10.2026. *Vide* order dated 23.10.2026, this Court issued Notice in the present Application and was of the opinion that the present Application

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should be considered only after the Parties had been given an opportunity to file their Written Statement and Reply to the present Application. Defendant Nos. 1 to 6 were also directed to make arrangements for playing the Impugned Film so that it could be assessed whether the personality rights of Plaintiff No. 1 had been infringed.

24. In the meantime, the Impugned Film was released theatrically on 23.10.2026. Thereafter, by order dated 29.10.2026, Rely to this Application filed by Defendant Nos. 1 to 6 was taken on record and they were directed to furnish a pen drive containing the Impugned Film for the Court's perusal. The Plaintiffs were also directed to file Rejoinder to the Reply filed by Defendant Nos. 1 to 6 and a Table specifying the timestamps and the content of the Impugned Film to which are objectionable and also the manuscript of the Biopic in a sealed envelope.

25. Pursuant to the order dated 29.10.2026, Defendant Nos. 1 to 6 furnished a pen drive containing the Impugned Film. This Court viewed the Impugned Film prior to the hearing of the present Application on 02.11.2026.

26. The Plaintiffs also filed Rejoinder and the Table specifying the timestamps and duration of the scenes of the Impugned Film that the Plaintiffs object. The Plaintiffs further submitted the manuscript of the Biopic in a sealed envelope, which this Court perused prior to the hearing.

27. On 02.11.2026, learned Counsel for the Parties advanced their submissions and sought time to file their respective Notes of Submissions, which was granted until 04:00 PM on 04.11.2026.

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28. The Plaintiffs were further directed to provide the Teaser and the Trailer, that were viewed by this Court during the hearing, on the same pen drive containing the Impugned Film. The said pen drive was taken on record and shall form part of the documents submitted on behalf of the Defendant Nos. 1 to 6. The Defendant Nos. 1 to 6 also filed response to the Table showing objectionable scenes, which was taken on record.

29. Upon conclusion of the hearing, the manuscript of the Biopic was returned to learned Counsel for the Plaintiffs as recorded in the order dated 02.11.2026, which also records that the Judgment in the present Application was reserved. The Parties have filed their respective Notes on Submissions on 04.11.2026 and have been considered in this Judgment.

SUBMISSIONS ON BEHALF OF THE PLAINTIFFS:

30. Mr. J. Sai Deepak, learned Senior Counsel for the Plaintiffs made the following submissions:

30.1. Defendant Nos. 1 to 6 have consciously employed Plaintiff No. l's identifiable persona, likeness and celebrated achievements and iconic moments, particularly the 2002 NatWest Series Final and his shirt-waving celebration at Lord's, as significant commercial attractions for the Impugned Film, without obtaining Plaintiff No. l's consent or authorisation.

30.2. Defendant Nos. 1 to 6' conduct has consequently prejudiced not only Plaintiff No.1's independent personality and publicity rights but also the commercial value, exclusivity and exploitation potential of the rights acquired by Plaintiff No. 2 *vide* the Life Rights Agreement.

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30.3. The Agreements / Licenses placed on record by Defendant Nos. 1 to 6 demonstrate that the acquisition of archival footage rights is distinct from the acquisition of rights in the names, identities, images and personalities of individuals appearing therein.

30.4. Agreements placed on record by Defendant Nos. 1 to 6 expressly restrict the permitted purposes of exploitation and independently place upon Defendant Nos. 1 to 6, the obligation to obtain necessary third-party permissions and clearances. Defendant Nos. 1 to 6 have failed to produce any document establishing Plaintiff No. 1's authorisation for commercial exploitation of his name, identity, likeness, persona or goodwill in connection with the Impugned Film or its promotional campaign. Defendant Nos. 1 to 6 cannot, therefore, rely upon a collection of limited archival footage licences as a substitute for such authorisation or as a defence to the Plaintiffs' claims concerning the infringement of Plaintiff No. 1's valuable, legally protected and enforceable personality, publicity, identity, persona, goodwill and reputation rights.

30.5. The fundamental distinction is between the copyright owner's permission to incorporate archival footage and the independent right of an identifiable individual to object to unauthorised commercial exploitation of his personality and goodwill. A footage licence cannot automatically be treated as a personality rights release, endorsement or blanket commercial authorisation. Defendant Nos. 1 to 6 have not produced any specific

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authorisation from Plaintiff No. 1 permitting the particular commercial association and promotional exploitation complained of by the Plaintiffs.

30.6. Defendant Nos. 1 to 6' contention that the Impugned Film revolves around a fictional protagonist named Tara ("**Tara**") is not borne out from the actual viewing of the Impugned Film as its narrative structure clearly show prominence of references to Plaintiff No. 1 alone.

30.7. Defendant Nos. 1 to 6 have themselves acknowledged that Tara's journey is juxtaposed against Plaintiff No. 1's achievements and that his contribution to Indian cricket is repeatedly interwoven with the narrative. A significant aspect of the Impugned Film is the repeated comparison of Tara's struggles with the life and career of Plaintiff No. 1, including challenges faced by him in his early life, his subsequent achievements, defeats, setbacks and moments of adversity, which are invoked as parallels to Tara's personal struggles, despite there being no parallel and the fundamentally different circumstances of their respective lives.

30.8. The Impugned Film draws on Plaintiff No. 1's public journey to contextualise a story centred on a woman's sexuality, marriage, family expectations and search for self-acceptance. These comparisons are made repeatedly without Plaintiff No. 1's permission, authorization or knowledge. By using Plaintiff No. 1's real-life achievements and losses as a recurring reference point for a fictional narrative about Tara's struggle with her sexual identity

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and an unwanted or unfulfilling marriage, the Impugned Film potentially creates an association between Plaintiff No. 1's public persona and a deeply personal story that is not his own.

30.9. The issue is not merely the use of a public figure as inspiration, but the repeated references to Plaintiff No. 1's name, achievements and setbacks in a fictional narrative concerning experiences substantially different from his own, thereby raising questions about the creative and ethical boundaries of drawing parallels between a fictional character with a real individual without their consent.

30.10. The promotional material also establishes that the commercial significance of Plaintiff No. 1's identity. The Trailer prominently features references to Plaintiff No. 1, including approximately 25-27 seconds of coverage in the Trailer lasting 2 minutes and 12 seconds.

30.11. Defendant No. 5, in his interview reported on 16.10.2026, acknowledged that the original proposal was to make a documentary on Plaintiff No. 1, focusing on the 2002 NatWest Series Final and other important milestones of Plaintiff No.1's career, the BookMyShow promotional synopsis expressly invokes Plaintiff No. 1's iconic shirt-waving celebration and connects it with the theme of the Impugned Film. The promotional comments, audience responses and reviews on the Impugned Film on social media repeatedly associate the Impugned Film with Plaintiff No. 1, his achievements and India's historic NatWest victory.

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30.12. These circumstances collectively demonstrate that Plaintiff No. 1's identity and achievements are not being used merely as an incidental historical reference and have been employed to create audience recognition, emotional association, publicity and commercial interest in the Impugned Film. The introduction of a fictional protagonist cannot, by itself, immunise Defendant Nos. 1 to 6 from liability if the overall presentation and promotional conduct amount to unauthorised commercial appropriation of an identifiable personality.

30.13. The law recognises the commercial value of an individual's identity, name, image, likeness, voice and other distinctive attributes of personality. The right of publicity protects an individual against unauthorised commercial exploitation of such attributes, subject to the legitimate exercise of freedom of speech and expression.

30.14. Defendant Nos. 1 to 6' reliance upon communications exchanged during 2017-2019 is also misconceived. Preliminary discussions, exploratory proposals, requests for interviews or the sharing of archival material cannot be equated with consent / authorization / waiver / acquiescence / participation / estoppel to the Impugned Film or its eventual promotional campaign.

30.15. The email dated 06.06.2018 between Defendant No. 1 and Mr. Rudra itself records concerns regarding the possible overlap between the proposed documentary and the Biopic. The subsequent response of Defendant No. 1 dated 16.06.2018 was a

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unilateral explanation and cannot be treated as acceptance or authorisation by Plaintiff No. 1. Defendant Nos. 1 to 6 cannot convert preliminary discussions predating the Life Rights Agreement into perpetual consent, waiver or acquiescence.

30.16. A comparison of the Trailer with the Teaser clearly demonstrates that the Teaser presented the Impugned Film as a story concerning Indian cricket, rather than surrounding Plaintiff No. 1. Contrarily, the Trailer specifically identifies and portrays Plaintiff No. 1 as its principal character. Consequently, Defendant Nos. 1 to 6' contention that Plaintiff No. 1 was aware of the Impugned Film through the Teaser and media reports in 2019 and ought not to have waited until the day preceding its theatrical release to approach this Court is without merit. The Plaintiffs acted promptly after the Trailer was released on 12.10.2026, issuing the Legal Notice and instituting the present proceedings on 21.10.2026. The plea of unexplained delay is therefore untenable on the pleaded chronology. The Teaser did not furnish Plaintiff No. 1 with a cause of action to institute proceedings in 2019. Further, Defendant Nos. 1 to 6 took no steps to release the Impugned Film for seven years following the release of the Teaser in 2019 but expedited its release only after the release date of the Biopic was announced. This demonstrates *mala fides* on the part of Defendant Nos. 1 to 6.

30.17. Clause 4(A) of the Life Rights Agreement clearly specifies that Plaintiff No. 2 has agreed to pay Plaintiff No. 1 a sum of ₹25 Crores as fixed consideration and in addition to this *vide* Clause 5

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of the Life Rights Agreement has agreed to additionally pay further sum towards film branding revenues, share in the India Net Box Office Collection and share in the Overseas Net Box Office Collection etc., evidencing the substantial commercial value that Plaintiff No.1's life and personality rights have.

30.18. Defendant Nos. 1 to 6 have also caused irreparable damage to the novelty and exclusivity as well as diminution in the audience interest in the Biopic, caused grave prejudice to licencing, distribution and Over-the-Top ("**OTT**") negotiation and altered the market positioning of the Biopic. Therefore, the Plaintiffs are also claiming punitive damages in the Suit.

30.19. In support of the aforesaid submissions, reliance was placed on the following judgments:

i. ***Super Cassettes Industries Private Limited v. Nandi Chinni Kumar***, 2020 SCC OnLine TS 1282

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

iii. ***D.M. Entertainment (P) Ltd. v. Baby Gift House***, 2010 SCC OnLine Del 4790

iv. ***Salman Khan Vs. Ashok Kumar/John Doe & Ors.***, order dated 27.07.2026 passed by Delhi High Court in CS(Comm) No. 1322/2025.

v. ***Shivaji Rao Gaikwad v. Varsha Productions***, 2015 SCC OnLine Mad 158.

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vi. ***Mr. Sunil Gavaskar Vs. Cricket Tak (Crickettak557) & Ors.***, order dated 23.12.2025 passed by Delhi High Court in CS (Comm) No. 1329/2025.

vii. ***Jaikishan Kakubhai Saraf v. Peppy Store***, (2024) 2 HCC (Del) 253

viii. ***Sanjay v. Karan Johar***, 2025 SCC OnLine Bom 1745

ix. ***Yuvraj Singh v. Ashok Kumar***, 2026 SCC OnLine Del 5464

x. ***ICC Development (International) Ltd. v. Arvee Enterprises***, 2003 SCC OnLine Del 2

30.20. Considering the principles enunciated in the aforesaid judgments and orders, the Plaintiffs seek the grant of an interim injunction in the terms prayed for in the present Application. In the alternative, the Plaintiffs pray that Defendant Nos. 1 to 6 be directed to deposit security towards the damages claimed in the present Suit, without prejudice to the respective rights and contentions of the Parties.

30.21. In addition to the aforesaid relief, the Plaintiffs seek a direction requiring Defendant Nos. 1 to 6 to furnish complete accounts of all revenues derived from the exploitation of the Impugned Film, together with particulars of profits already generated, presently accruing or to be generated in the future. The Plaintiffs further pray that Defendant Nos. 1 to 6 be directed to preserve all financial records and distribution agreements relating to the Impugned Film. They also seek disclosure of the consideration received or receivable in respect of its exploitation through OTT platforms,

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satellite transmission, theatrical exhibition, promotional arrangements and all other modes of exploitation.

SUBMISSIONS ON BEHALF OF DEFENDANT NOS. 1 TO 6

31. Mr. Mr. Sourav Kirpal, learned Senior Counsel for Defendant Nos. 1 to 6 made the following submissions:

31.1. The Plaintiffs have approached this Court with an unexplained delay of nearly 9 years that disentitles the Plaintiffs to any *ad-interim* relief and the appropriate remedy is damages. Reliance was placed on ***John Hart Jr. v. Mukul Deora***, 2021 SCC OnLine Del 3499.

31.2. Plaintiff No. 1 was aware of the Impugned Film, its nature and scope and the proposed usage of the archival footage as also interview footage since the year 2017. Plaintiff No. 1 has at no point claimed that any license was required for his personality rights.

31.3. The Plaintiffs, offering no explanation on affidavit and having denied prior knowledge, belatedly contending that the Teaser did not portray Plaintiff as an inspirational figure, admits prior knowledge and is belied by the Plaintiff's own remarks in the Teaser itself.

31.4. Plaintiff No. 1 is not a central character, and the Impugned Film is not a biopic. The licensed archival footage involving Plaintiff No. 1 in the Impugned Film is only 4 minutes. The Plaintiffs have acknowledged that there is no right to commercialize historical events and that the Plaintiffs do not own the rights to the archival

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footage used. The personalization of archival footage is not a subset of personality rights, and such an esoteric expansion is unknown to law.

31.5. The Impugned Film is a docudrama that is built around the life of Tara growing up in smalltown India, finding her voice and identity, against the backdrop of a country that worships the game of cricket. Tara, lives in a household that is controlled entirely by the patriarch, her father, with her mother constantly reprimanding her to fall in line and abide by her womanly duties. The Impugned Film follows Tara's life and her struggles, even dealing substantially with her discovery and struggle for acceptance of her true sexual identity. As Tara's life progresses, her troubles in the regressive society surrounding her continues and at each stage of difficulty, the Impugned Film turns to show how Indian cricket, led by Plaintiff No. 1 at the time, fought to overcome its own hurdles and emerge successful.

31.6. While the Impugned Film follows Tara's personal life, it also, in parallel, follows the journey of Indian cricket through its phases of growth in the 1990s and finally the later bilateral series of the early 2000s that established the Indian cricket team as a formidable force.

31.7. As part of the Impugned Film's depiction of major cricketing moments in India, the Impugned Film interweaves Tara's source of inspiration i.e., Plaintiff No. 1, only through his moments of contribution to Indian cricket. The incidents referenced in the

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Impugned Film as acts of inspiration for Tara are strictly within the realm of Plaintiff No. 1 acting on behalf of the Indian cricket team. The Impugned Film contains references to various other players and personalities as well.

31.8. The Impugned Film revolves around the themes of self-discovery, women empowerment, breaking the shackles of a patriarchal society, and the idea of standing for one's rights and entitlements, contrary to what society or those in power might dictate.

31.9. No part of the Impugned Film covers the personal life of Plaintiff No. 1 or any other aspects which would be part of the Biopic or any other film that can be categorized as one that is based on Plaintiff No. 1, his identity, persona, likeness, reputation or goodwill. This aspect is evidently clarified by the disclaimer in the Impugned Film.

31.10. It is settled law that 'personality rights' require an element of endorsement / association and the Impugned Film evidently does not convey any endorsement by or association with Plaintiff No. 1. Reliance was placed on ***DM Entertainment*** (*supra*).

31.11. The use of the archival footages in the Impugned Film is licensed by the respective copyright owners, including the BCCI. The Plaintiffs admit that there is no right to commercialize historical events and that the Plaintiffs do not own the rights to the archival footage used. The Plaintiffs' claim that there exists a right to preclude the 'personalization of archival footage' is misplaced. ***Nandi Chinni Kumar*** (*supra*) concerned fictionalized characters

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unlike the present case which uses archival footage, whereas ***Shivaji Rao Gaikwad*** (*supra*) and ***Karan Johar*** (*supra*) are factually distinguishable. Reliance was placed on ***Krishna Kishore Singh v. Sarla A. Saraogi*** 2023 SCC OnLine Del 3997 to submit that no personality rights can be claimed where the details are available in the public record and that no personality rights can be claimed in historical events.

31.12. The judgement of this Court in ***ICC Development*** (*supra*) is inapplicable to the present case as the said judgment did not concern personality rights and was only concerned with the use of logos and names. The Supreme Court in the context of privacy claims in ***R. Rajagopal v. State of T.N.*** (1994) 6 SCC 632 has held that matters of public record which would include historic sporting events are a legitimate subject of comment.

31.13. The Plaintiffs' claim, if permitted, would have a chilling effect on free speech. The same would effectively preclude the fictionalization and reporting of historical events due to the same involving personalities and their rights. The suggestion that public personalities after participating in historical events can preclude the use of those historical events as being matters of record or inspiration is *per se* unfounded. Such a position is wholly inequitable as it is the participation in these historical events that otherwise justifies the celebrity's claim to personality rights and affords them a narrow right to preclude false endorsement and association. The usage of archival footage that is already governed

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by licenses under the framework of the Copyright Act, 1957 cannot be precluded by esoteric claims that the historical footage now stands imbued with intangible personality rights.

31.14. The Plaintiffs have conceded that the rights of Plaintiff No. 2 are irrelevant to the present *lis*. Thus, the balance of convenience lies with Defendant Nos. 1 to 6, who have released the Impugned Film on 23.10.2026 and have signed agreements for worldwide release on OTT platforms. There is no cause or basis to injunct the Impugned Film in any manner and damages will afford a more than satisfactory remedy.

31.15. As the Impugned Film does not misrepresent Plaintiff No. 1's achievements, does not suggest that Plaintiff No. 1 endorsed or participated in the production of the Impugned Film, and the Plaintiffs have not demonstrated specific harm to Plaintiff No. 1, damages may afford a more than satisfactory remedy for Plaintiff No. 1 and there is no pleading or basis to assume that irreparable injury will be caused to Plaintiff No. 1.

SUBMISSIONS ON BEHALF OF DEFENDANT NO. 7

32. Mr. Shivam Goel, learned Counsel for Defendant No. 7, submitted that Defendant No. 7 is merely the distributor of the Impugned Film and has no role in its production or content. It is further submitted on behalf of Defendant No. 7 that as the Plaintiffs have not attributed any specific act of infringement of Plaintiff No. 1's personality, publicity, identity, persona, reputation and goodwill rights to Defendant No. 7, it has chosen to not file any Reply to the present Application. Learned Counsel for Defendant No. 7

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further submitted that, in view of its limited role as a distributor, if any direction for deposit of any amount is passed, the same may not be directed against Defendant No. 7.

ANALYSIS AND FINDINGS

33. This Court has considered the submissions advanced on behalf of the Parties and examined the material placed on record, including the manuscript of the Biopic, Table filed by the Plaintiffs specifying the time stamps and the content of the Impugned Film to which they object, together with Defendant Nos. 1 to 6' response thereto. This Court has also viewed the Impugned Film, the Teaser and the Trailer.

34. The principal question that arises for consideration in the present Application is whether the use of Plaintiff No. 1's identity, persona, likeness, reputation and achievements in the Impugned Film and its promotional material amounts to an infringement of personality and publicity rights of Plaintiff No. 1, warranting the grant of an interim injunction.

35. The right to publicity, popularly known as personality rights is the right to protect, control, and profit from one's image, name, or likeness. Personality Rights of individuals, simply put, entail the right to control and protect the exploitation of one's image, name, likeness or other attributes of the individuals' personality, in addition to the commercial gains that can be derived from the same. The right of publicity gives an individual a personal control over commercial display and exploitation of his personality and the exercise of his talents as held in ***Zacchini v. Scripps-Howard Broadcasting Company***, 1977 SCC OnLine US SC 153.

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36. This Court in ***Jaikishan Kakubhai Saraf v. Peppy Store*, 2024 SCC OnLine Del 3664** observed as under:

> "*5. The plaintiff's commercial endorsements leverage his personality, name, voice, image, likeness, mannerisms, gestures and other uniquely identifiable characteristics associated with him. These attributes over which the plaintiff exercises exclusive control, constitute his "personality rights" and "publicity rights". The unauthorised use of these characteristics for commercial purposes not only infringes upon these rights but also dilutes the brand equity painstakingly built by the plaintiff over the years. The plaintiff, being a person of celebrity status, possesses "personality/publicity rights" over all facets of his persona. In this suit, the plaintiff seeks protection of his personality rights, publicity rights and various elements associated with his identity, including his name, voice, photograph, image, likeness, unique style of dialogue delivery, distinctive gestures and mannerisms. These attributes collectively form the plaintiff's public persona and unauthorised use of any of these elements infringes upon the exclusive rights he holds over his identity.*"

37. The High Court of Judicature at Bombay in ***Chitra Jagjit Singh v. Panache Media*, 2016 SCC OnLine Bom 2364** held that:

> "*5. The right of an individual, especially a public figure or celebrity, to control the commercial value and exploitation of his name or pictures or likeness or to prevent others from unfairly appropriating that value for their commercial benefit, has come to be known as a "right of publicity". This right is said to be evolved from the "right of privacy", though the right of privacy itself is described as distinct from the right of publicity as it has come to be evolved. Though the reported judgments do not indicate any uniformity about the nature of this right, its evolution and exact contours, and the notions concerning this right still seem to be somewhat hazy, broadly it seems to have been accepted in various jurisdictions including courts in India as a valuable proprietary right. As explained by Delhi High Court in the case of ICC Development (International) Ltd. v. Arvee Enterprise, the right of publicity has evolved from the right of privacy and can inhere only in an individual for any indicia of an individual's personality like his name, personality trait, signature, voice etc. This right vests in an individual and he alone is entitled to profit from it.*"

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38. In ***DM. Entertainment*** (*supra*), a suit was filed alleging that the defendants therein, without the plaintiff's authority therein, misappropriated the plaintiff's persona and likeness and invaded the exclusive right of the plaintiff therein to market his personality. While granting a decree of permanent injunction, this Court observed that the right of publicity protects against the unauthorized appropriation of an individual's very persona, which would result in unearned commercial gain to another and that the commercial use of the plaintiff's identity was intended to increase the sales of product by fusing the plaintiff's identity with the product and selling those products, on the basis of publicity value or goodwill in the plaintiff's persona into the concerned product therein. Accordingly, the use of plaintiff's persona for the purpose of capitalizing upon his name by using its conjunction with the commercial product was held to be not proper or legitimate.

39. The High Court of Madras in ***Shivaji Rao Gaikwad*** (*supra*) referred to the judgment delivered by the World Intellectual Property Organizations (WIPO) in Case No. D2009-1247 titled *Ms. Barkha Dutt v. Easyticket* wherein it was held that:

> "... *an unauthorized use of a famous person's name is not a bonafide use and if such name is used to lure users, it does not confer rights or legitimate interests on the infringer and it has been further held that the right to commercially use or exploit one's own name, vests with the person who has worked to create the fame and can lawfully restrict any other third party from exploiting that fame for commercial purposes.*"

40. In ***Shivaji Rao Gaikwad*** (*supra*), the High Court of Madras was concerned with the plaintiff, a famous and well acclaimed actor, who had filed the suit seeking injunction restraining the defendant from using his

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name in a movie "*Main Hoon Rajinikanth*" contending that the defendant therein cannot use his name, image, caricature, style of delivering dialogues without any permission or authorization whatsoever from him; that the defendant had deliberately used his name etc. in its forthcoming feature film only with a *mala fide* intention to derive illicit benefits based upon the goodwill emanating from the well-known personality status of the plaintiff therein, that such an unauthorised use amounts to infringement of copyright, infiltration of personality rights and passing off besides being a gross violation of privacy, and causing considerable confusion in the public as to association between the plaintiff and the defendant therein. In this context, the High Court of Madras observed as under:

> "*22. In the instant case, on seeing the title of the impugned movie, it could be easily inferred that the public perspective about the impugned movie appears to be only with reference to the plaintiff herein alone and not connected to any other person, which is evident from the website pages hosted by various persons making comments on the plaintiff with regard to the title of the impugned movie. Though the learned counsel appearing for the defendant contended that the defendant cannot be held responsible for the comments made in the internet website pages, the comments made in the internet website pages would go to prove that on seeing the title of the impugned movie, the name of the plaintiff alone gets etched in the minds of the persons who come across the advertisement depicting the title of the movie. Therefore, the printout websites pages produced by the plaintiff would clearly show that the plaintiff could be easily identifiable by others from the defendant's unauthorized use of the plaintiff's name in the impugned movie 'Main Hoon Rajinikanth'. Therefore, the contention of the learned counsel for the defendant that the contents in the website pages and the contents in the movie do not refer the plaintiff, cannot be accepted.*
>
> *xxxxx*
>
> *23. .... As observed earlier, in the instant case, on seeing the name of Rajinikanth in the tile of the impugned movie, the persons, who are coming across the tile of the impugned movie, are identifying the name only with the plaintiff herein, which is evident from the website pages hosted by different*

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persons. Therefore, in my opinion, even assuming for a moment that the impugned movie is not a biopic of the plaintiff, since the name found in the title of the impugned movie is identifiable only with the plaintiff, who happens to be a celebrity and not with any other person, the defendant is not entitled to use the said name without the permission of the plaintiff/celebrity, particularly when he had chosen to advertise the movie with a title 'Hot Kavita Radheshyam As Sex Worker For Rajinikanth'."

41. The distinctive feature of the common law right of publicity lies in its recognition of the commercial value inherent in the image or representation of a prominent individual or performer, and its protection of that individual's proprietary interest in the commercial value of his public reputation and persona. The protection afforded by this right extends to the individual's ability to determine whether, and in what manner, his likeness or other identifiable attributes of his personality may be commercially exploited. Thus, the right of publicity encompasses not merely the opportunity to derive commercial benefit from one's identity, but also the autonomy to authorise or decline its commercial use. The essential concern is the individual's control over the exploitation of the value associated with his likeness, public reputation and persona, rather than the mere fact that those attributes are publicly recognisable.

42. This Court in ***Titan Industries Ltd.*** (*supra*) held that the basic elements comprising the liability for infringement of the right of publicity are validity, that is, the plaintiff owns an enforceable right in the identity or persona of a human being and identifiability, that is, the Celebrity must be identifiable from defendant's unauthorized use.

43. In the facts and circumstances of the present case, Plaintiff No. 1 is a celebrated Indian cricketer and a former Captain of the Indian National

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Cricket Team. His name, image, likeness and persona are associated with considerable goodwill, public recognition and reputation. These attributes constitute the identifiable elements of his public persona in respect of which he possesses enforceable personality and publicity rights. Further, Plaintiff No. 1 is identifiable from the archival footage incorporated in the Impugned Film, and the use of such footage permits his identity to be readily recognised. Accordingly, there exists of an enforceable right in the identity or persona of Plaintiff No. 1 and his identifiability from the use complained of are *prima fac*ie satisfied in the present case. There can, therefore, be no dispute as to the existence of Plaintiff No. 1's personality and publicity rights or his identifiability in the Impugned Film.

44. Learned Senior Counsel for Respondent Nos. 1 to 6 has also candidly acknowledged that the existence of Plaintiff No. 1's personality rights is not in dispute. The controversy is confined to whether those rights have been infringed in the manner alleged by the Plaintiffs and, if so, the nature of such infringement. The acknowledgment of the existence of these rights must, therefore, be distinguished from an admission that Defendant Nos. 1 to 6' conduct constitutes their infringement. Accordingly, the question requiring consideration by this Court is not whether Plaintiff No. 1 possesses personality rights, but whether the use complained of amounts to a violation of those rights.

45. It is submitted on behalf of the Plaintiffs that Defendant Nos. 1 to 6 have deliberately employed Plaintiff No. 1's identifiable persona, celebrated achievements and iconic moments as significant commercial attractions for the Impugned Film, without obtaining his consent or authorisation.

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According to the Plaintiffs, the use of these attributes is neither incidental nor confined to providing a historical reference within the narrative. Rather, Plaintiff No. 1's identity and achievements have been consciously incorporated to secure audience recognition, foster an emotional association with the Impugned Film, generate publicity and enhance commercial interest in it. The substance of the Plaintiffs' grievance is, therefore, not the mere reference to Plaintiff No. 1 or his achievements, but the alleged use of the recognition and appeal associated with his persona as a means of attracting audiences and promoting the Impugned Film for commercial benefit, without his authorisation.

46. *Per contra*, it is contended on behalf of Defendant Nos. 1 to 6 that the Impugned Film is a docudrama centred on the personal journey of Tara, whose struggles are depicted against the backdrop of developments in Indian cricket. According to Defendant Nos. 1 to 6, Tara's journey constitutes the principal narrative of the Impugned Film, while the references to cricket serve as the contextual backdrop against which that journey unfolds. They further submit that the achievements of Plaintiff No. 1 are invoked merely as a source of inspiration for Tara, rather than as the subject of a narrative concerning Plaintiff No. 1 himself. On this basis, Defendant Nos. 1 to 6 maintain that the Impugned Film neither concerns Plaintiff No. 1's personal life nor portrays him as its central character. Their submission is, therefore, that the references to Plaintiff No. 1 must be understood in the context of their inspirational role in Tara's story, and not as a portrayal of his own personal journey.

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47. Learned Senior Counsel for Defendant Nos. 1 to 6 further submitted that Defendant Nos. 1 to 6 had obtained licences from the respective copyright owners authorising the use of archival footage of cricket matches and events in the Impugned Film. In support of their position, Defendant Nos. 1 to 6 relied upon these licences as the basis for incorporating the relevant archival footage into the Impugned Film.

48. Learned Senior Counsel for Defendant No. 1 to 6 also placed reliance upon the communications exchanged during the period from 2017 to 2019 to contend that Plaintiff No. 1 was fully aware of the nature and scope of the Impugned Film. According to Defendant Nos. 1 to 6, those communications demonstrated Plaintiff No. 1's prior knowledge of the proposed project and its intended scope. Thus, Defendant Nos. 1 to 6 relied upon the licences in relation to the use of the archival footage, and upon the earlier communications in relation to Plaintiff No. 1's awareness of the project.

49. Upon consideration of the submissions advanced on behalf of the Parties and a viewing of the Impugned Film, the Teaser and the Trailer, this Court finds that the Impugned Film comprises two distinct narratives that proceed in parallel. Its distinctive artistic expression lies in the combination of a fictional personal journey with real-life cricketing events, thereby presenting the fictional and historical strands alongside one another within a single cinematographic work. The first narrative concerns Tara's personal journey, including the challenges she encounters in relation to family expectations, marriage and her personal identity. The second narrative traces the achievements and setbacks of Plaintiff No. 1, beginning with his early years in international cricket and extending to his captaincy of the Indian

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National Cricket Team and the victory at Lord's in 2002 in the NatWest Final between England and India. Thus, while the two narratives concern different subjects, the structure of the Impugned Film brings Tara's fictional journey and Plaintiff No. 1's actual cricketing journey together in a parallel presentation.

50. The conversations between Tara and her family members frequently refer to Plaintiff No. 1, his performance, attitude and achievements. These references, considered together with the archival footage concerning him, demonstrate that his presence in the Impugned Film is not confined to the depiction of events in the history of Indian cricket. Rather, the footage and the recurring references to his persona are drawn upon to support and develop the fictional narrative concerning Tara. Plaintiff No. 1 thus serves not merely as a figure in the historical background, but as a recurring reference point through which Tara's story is advanced and presented. The significance of his portrayal must, therefore, be assessed in the context of the narrative function that these references perform, rather than by treating the archival footage in isolation as a record of cricketing events. Viewed in this context, the repeated incorporation of Plaintiff No. 1's identity and persona into the fictional narrative cannot, *prima facie*, be characterised as merely incidental to the depiction of historical events.

51. There can be no cavil that a creative work may draw inspiration from historical events and public figures, and that the mere juxtaposition of a fictional narrative with such events does not, by itself, constitute an infringement of personality rights. The distinction requiring consideration is between the use of a public figure as part of a historical account and the use

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of the recognition and commercial appeal associated with that individual's identity and persona to attract interest in the work.

52. There is also no doubt that the right of publicity of a personality must be balanced against the right to freedom of speech and artistic expression, and neither the commercial value of a celebrity's identity nor the commercial character of a creative work can, by itself, dispense with that exercise. The relevant inquiry concerns the nature, manner and purpose of the use of the individual's identity and persona. A distinction must, accordingly, be drawn between their use in the legitimate exercise of expressive freedom and their appropriation primarily as a means of deriving commercial benefit from the recognition and appeal associated with the individual's fame. Where the latter purpose is apparent, a mere invocation of freedom of expression does not justify the appropriation of that economic value.

53. In the present case, the Impugned Film does not merely depict Plaintiff No. 1 as a participant in the history of Indian cricket. Rather, it draws upon the recognition and commercial appeal associated with his identity and persona to generate interest in the fictional narrative concerning Tara. The promotional material placed on record further indicates that his identity and persona have been employed to generate commercial interest in the Impugned Film. The concern, therefore, is not the mere inclusion of historical cricketing events or references to Plaintiff No. 1, but the manner and purpose for which the commercial value associated with his persona has been utilised in the narrative and its promotion.

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54. The Impugned Film *prima facie* appears to be commercially exploiting the identity of Plaintiff No. 1 in a manner that extends beyond legitimate storytelling. The parallel sought to be drawn between Tara's awakening and her courage to express herself before her father, on the one hand, and Plaintiff No. 1's cricketing journey, his shirtless celebration or India's victory in a particular cricket match, on the other, does not arise naturally from the circumstances of the respective narratives. These experiences are distinct, and their repeated juxtaposition does not, by itself, establish an inherent connection between Tara's fictional journey and Plaintiff No. 1's real-life achievements. Indian cricket history contains numerous other victories and achievements that could have served as a source of inspiration for Tara without requiring Plaintiff No. 1 to be specifically identified as that source. The association presented at several stages of the Impugned Film is, therefore, one created by the narrative rather than a parallel naturally existing between the fictional and historical events. In these circumstances, the invocation of artistic freedom cannot justify the commercial exploitation of Plaintiff No. 1's identity or permit Defendant Nos. 1 to 6 to impinge upon his personality rights, which are protected under common law.

55. In this context, reference may be made to the observations of this Court in ***Titan Industries Ltd.*** (*supra*), concerning the meaning of a celebrity and the nature and scope of publicity rights. These observations are relevant to the distinction between an individual's public recognition and his right to control the commercial use of his identity and explain that the concern underlying publicity rights is not merely the fact that a celebrity's

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identity is commercially valuable, but the entitlement of that individual to determine when, where and in what manner such identity may be used for commercial purposes. These observations provide the context for examining the manner in which Plaintiff No. 1's identity has been employed in the Impugned Film and its promotional material, and are reproduced below:

> *"Haelan Laborotories v. Topps Chewing Gum [202 F2d 866]*
>
> *"A man has a right in the publicity value of his photograph i.e. the right to grant the exclusive privilege of publishing his picture, and that such a grant may validly be made 'in gross,' i.e. without an accompanying transfer of a business or of anything else.*
>
> *This right might be called a 'right of publicity'. For it is common knowledge that many prominent persons (especially actors and ballplayers), far from having their feelings bruised through public exposure of their likenesses, would feel sorely deprived if they no longer received money for authorizing advertisements, popularizing their countenances, displayed in newspapers, magazines, busses, trains and subways. This right of publicity would usually yield them no money unless it could be made the subject of an exclusive grant which barred any other advertiser from using their pictures."*
>
> *II. 'Publicity right' of a Celebrity*
>
> *A celebrity is defined as a famous or a well-known person. A 'celebrity' is merely a person who 'many' people talk about or know about.*
> *When the identity of a famous personality is used in advertising without their permission, the complaint is not that no one should not commercialize their identity but that the right to control when, where and how their identity is used should vest with the famous personality. The right to control commercial use of human identity is the right to publicity.*
> *Ali v. Playgirl 447 F Supp 723 "A distinctive aspect of the common law right of publicity is that it recognizes the commercial value of the picture or representation of a prominent person or performer, and protects his proprietary interest in the profitability of his public reputation or persona"*

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> *D.M. Entertainment Pvt. Ltd. v. Baby Gift House [CS(OS) No. 893 of 2002] "In the present instance the commercial use of an individual's identity is intended to increase the sales of product by fusing the celebrity's identity with the product and thereby the defendant's were selling those dolls, on the basis of publicity value or goodwill in the artist's persona into the product i.e. doll."*
> *No one was free to trade on another's name or appearance and claim immunity"*
>
> [Emphasis supplied]

56. It is contended on behalf of Defendant Nos. 1 to 6 that the archival footage featuring Plaintiff No. 1 accounts for only 4 minutes of the Impugned Film. This Court is, however, of the view that the duration of such footage cannot be treated as the sole or determinative consideration in assessing whether a *prima facie* case of infringement of Plaintiff No. 1's personality, publicity, identity, persona, reputation and goodwill rights has been established. A perusal of the Table specifying the timestamps, read together with this Court's viewing of the Impugned Film, indicates that a quantitative assessment of the screen time devoted to references to Plaintiff No. 1 does not, by itself, establish the narrative function or commercial significance of the use complained of. The inquiry must also consider the manner in which Plaintiff No. 1's identity is incorporated into the narrative and whether the recognition associated with that identity is employed to generate interest in the Impugned Film. Accordingly, the contention concerning the limited duration of the archival footage cannot be accepted in the context of its use within the artistic work, rather than in isolation.

57. In the present case, the repeated references to Plaintiff No. 1's setbacks, achievements, attitude and persona, their incorporation into the fictional narrative, and the prominence accorded to his name and image in

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the promotional material, cumulatively taken together, *prima facie* indicate that Defendant Nos. 1 to 6 have drawn upon the recognition and commercial appeal associated with Plaintiff No. 1's identity and persona to generate interest in the Impugned Film.

58. The significance of the use of the identity of Plaintiff No. 1 extends beyond the archival footage itself as the recurring references within the script of the fictional part of the Impunge Film's narrative and the emphasis in the promotional material reinforce the association between Plaintiff No. 1 and the Impugned Film. His identity and persona are, therefore, not used merely to depict historical events, but also to attract audiences by invoking the recognition and goodwill associated with him. On the material presently before this Court, such use *prima facie* reflects an attempt by Defendant Nos. 1 to 6 to derive commercial benefit from Plaintiff No. 1's identity and ride on coattails of persona of Plaintiff No. 1 without obtaining his authorisation.

59. As regards the reliance placed by learned Senior Counsel for Defendant Nos. 1 to 6 upon the licences obtained for the use of archival footage of cricket matches and events, a distinction must be drawn between permission to incorporate such footage into the Impugned Film and authorisation to commercially exploit Plaintiff No. 1's identity and persona. The licences granted by the respective copyright owners concern the use of the archival footage and clearly exclude use of any personal rights. Therefore, such licenses cannot, by themselves, be construed as consent on the part of Plaintiff No. 1 to the commercial exploitation of his personality rights. Accordingly, the acquisition of permission to use the footage does not

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resolve the separate question involved in this Application of the manner in which Plaintiff No. 1's identity and persona have been employed in the Impugned Film, and its promotional material and whether such use infringes personality rights of Plaintiff No. 1.

60. Learned Senior Counsel for Defendant Nos. 1 to 6 also relied upon the communications exchanged between Plaintiff No. 1 and Defendant No. 1 or her husband during the period from 2017 to 2019 to contend that Plaintiff No. 1 was fully aware of the nature and scope of the Impugned Film and that the Plaintiffs had approached this Court after a delay of nearly nine years.

61. A perusal of the correspondence relied upon by Defendant Nos. 1 to 6 does not disclose that Plaintiff No. 1, at any relevant stage, consented to or authorised the manner in which his identity and persona were subsequently used in the Impugned Film. Knowledge of a proposed film and communications concerning its development do not establish authorisation for the particular use of an individual's identity ultimately incorporated into the completed work. Indeed, the email dated 06.06.2018 addressed by Mr. Rudra to Defendant No. 1 expressly records a concern regarding the possible overlap between a documentary concerning Plaintiff No. 1 and the Biopic, which was under contemplation at that stage itself, based on his life story, personal and professional journey, experiences and achievements.

62. That contemporaneous expression of concern regarding impact on the proposed Biopic in 2018 itself shows that Plaintiff No. 1 never gave consent for use of his personality rights by Defendant No. 1. Therefore, while evaluating the contention that the earlier correspondence established consent or justified the plea of delay, the correspondence available on record does

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not show any conferment of an unrestricted authorisation to use Plaintiff No. 1's identity and persona in the manner subsequently adopted in the Impugned Film.

63. No material has been placed on record to establish that, prior to the release of the Trailer, Plaintiff No. 1 was aware of the specific manner in which his identity and persona would ultimately be depicted and employed in the Impugned Film. This Court's comparative viewing of the Teaser and the Trailer reveals a marked distinction in the narrative presented by the two promotional works. The Teaser includes an excerpt from an interview between Mr. Virat Kohli and Plaintiff No. 1 and conveys the impression that the proposed film principally concerns the journey of Indian cricket during the relevant period, as seen through the eyes of a young girl. The Trailer and the subsequently released Impugned Film, however, present a materially different narrative, focused on a particular member of the Indian National Cricket Team who subsequently became its Captain and led it to victory in the NatWest Series Final, namely, Plaintiff No. 1.

64. The earlier correspondence between Plaintiff No. 1 and Defendant No. 1 and her husband concerned a proposed interview in London for a documentary then under preparation, together with the remuneration payable for the time Plaintiff No. 1 would devote to that interview. At no stage was Plaintiff No. 1 informed that he would be portrayed as the central character in a docufiction cinematographic film. Notably, no response was received on behalf of Plaintiff No. 1 to the proposal for an interview in connection with the documentary then being prepared by Defendant No. 1. Accordingly, awareness of the project as presented in the Teaser cannot be equated with

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knowledge of the specific narrative and manner of use of Plaintiff No. 1's identity subsequently disclosed in the Trailer and the completed Impugned Film.

65. Having regard to the nature of the use complained of and the material through which such use became apparent, the plea of delay and laches cannot be accepted. In these circumstances, the contention of Defendant Nos. 1 to 6 that Plaintiff No. 1 ought to have approached this Court upon the release of the Teaser itself, and that his failure to do so disentitles the Plaintiffs to relief on the ground of delay and laches, is untenable. The fact that the Parties corresponded concerning the proposed project establishes that Defendant No. 1 was aware about the rights of Plaintiff No. 1 rather than acquiescence in the specific narrative and promotional use complained of in the present proceedings.

66. As regards the reliance placed on ***R. Rajagopal*** (*supra*) by Defendant Nos. 1 to 6, there is no dispute that once a matter becomes a matter of public record, the right to privacy no longer subsists. However, the grievance of Plaintiff No. 1 in the present case is the manner in which Plaintiff No. 1's identity, persona and achievements have been used in the Impugned Film and its promotional material to generate commercial interest in the Impugned Film by drawing upon the recognition and commercial appeal associated with Plaintiff No. 1.

67. The Impugned Film draws upon significant milestones in Plaintiff No. 1's cricketing journey that have contributed to his public recognition and the distinctive identity associated with him including his selection as Captain of the Indian National Cricket Team at a time when allegations of betting in

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Indian cricket had surfaced, and his subsequent leadership of the team to victory in the final match, followed by his iconic shirt-waving celebration. These events constitute defining moments in his personal and public journey, and Plaintiff No. 1 is entitled to determine the manner in which his identity and persona are commercially presented through a narrative of his own. The significance of their use in the Impugned Film must, therefore, be considered in the context of the recognition and commercial appeal associated with those milestones. Further, Plaintiff No. 1 had informed Defendant No. 1 of the proposed Biopic in 2018 itself and despite knowing the same, Defendant No. 1 to 6 went ahead of the release of the Impugned Film after an unexplained hiatus of nearly seven years, immediately following the announcement of the release of the Biopic. This raises a *prima facie* impression about the intention of Defendant Nos. 1 to 6 to commercially exploit Plaintiff No. 1's identity and persona ahead of the Biopic's release. This sequence of events is relevant for determining the grant of interim relief in this Application.

68. In view of the above discussion, the Plaintiffs have made out a *prima facie* case for the grant of an interim injunction. The Impugned Film is not confined to the depiction of historical events involving Plaintiff No. 1 and the manner in which the persona of Plaintiff No. 1 has been incorporated into the fictional narrative of the Impugned Film and also used in the promotion of the Impugned Film, *prima facie* indicates that Plaintiff No. 1's identity and persona have been employed to generate commercial interest in the Impugned Film thereby amounting to unauthorised commercial exploitation of personality, publicity, identity, persona, likeness, reputation

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and goodwill of Plaintiff No. 1. This Court is of the *prima facie* view that Defendant No. 1 to 6 have commercially exploited the personality rights of Plaintiff No. 1 by unauthorised use of Plaintiff No. 1's identity and persona. The prejudice arising from such exploitation has not only resulted in a damage to personality of Plaintiff No. 1 but also impaired his ability to determine whether, and in what manner, his identity and persona may be commercially used.

69. This Court has considered whether directing the Defendants to remove the objectionable portions of the Impugned Film identified in the Table filed by the Plaintiffs would constitute a workable alternative to restraining its continued exhibition. The Impugned Film, however, interweaves two distinct thematic strands: once being a fictional narrative and the other being a documentary account of real-life events concerning Plaintiff No. 1 and the use of Plaintiff No. 1's personality is embedded in the manner in which these narratives are combined, rather than confined to separate portions capable of removal in isolation. Excision of the identified portions would, therefore, necessitate the dissection, restructuring and reconfiguration of the artistic expression embodied in the Impugned Film, which is not permissible by a judicial direction. Accordingly, the selective deletion of scenes is not a workable alternative.

70. However, since the Impugned Film has already been released theatrically, the balance of convenience favours not to restrain the viewing by the public at this interim stage, subject to two conditions: (i) Defendants shall ensure that an appropriately worded disclaimer is displayed prominently in large fonts at the beginning in both English and Hindi

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languages having duration of 5 seconds each immediately after the existing disclaimer and the end of the Impugned Film in both English and Hindi languages having duration 2 seconds each prior to the commencement of credits clearly stating that the Impugned Film is not intended to violate or infringe the personality rights of Mr. Sourav Ganguly and that the use of his name in the Impugned Film shall not be construed as his acknowledgment of or consent to such use, which remains *sub judice* in the present proceedings, within two days of the date of this Judgment; and (ii) either of the Defendant Nos. 1 to 6 shall furnish an unconditional Bank Guarantee for INR 2,00,00,000 (Rupees Two Crores only) in favour of the worthy Registrar General of this Court, as security to protect the Plaintiffs' rights during the pendency of the Suit within two weeks from the date of this Judgment.

71. In the event of non-compliance with the either of the aforesaid directions within the respective stipulated periods, the Defendants are, jointly and severally, together with their agents, representatives, producers, distributors, exhibitors, licensees, successors, assigns and all persons acting for or through them, restrained from exhibiting, screening, distributing, transmitting, communicating to the public, broadcasting, streaming, making available on OTT or other digital services, selling, licensing, monetising or otherwise exploiting the Impugned Film, whether in India or outside India, through theatrical, non-theatrical, television, satellite, digital, online, OTT, ancillary or any other means, modes, media, formats or platforms and shall further stand restrained from creating, publishing, uploading, hosting, communicating to the public, circulating, advertising, publicising,

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marketing, sponsoring, boosting or otherwise disseminating any trailer, teaser, poster, still, clip, short, reel, interview-based promotional material, advertisement, electronic press kit, publicity artwork or other promotional material relating to the Impugned Film, including the Trailer released on 12.10.2026, that commercially appropriates Plaintiff No. 1's name, image, likeness, identity, persona, distinctive celebration, reputation or goodwill for the purpose of marketing the Impugned Film during the pendency of the Suit.

72. It is clarified that the observations made in this Judgment are confined to the adjudication of the present Application and shall not be construed as an expression of opinion on the merits of the Suit.

73. The present Application stands disposed of in the aforesaid terms.

TEJAS KARIA, J

NOVEMBER 06, 2026/*HK*

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