

Presented on : 07.02.2026
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Duration : 00 Y, 0 M, 00 Days

IN THE BOMBAY CITY CIVIL COURT AT GREATER MUMBAI

NOTICE OF MOTION NO.795 OF 2026
IN
S. C. SUIT NO. 257 OF 2026
(CNR NO.MHCC01-001943-2026)

Ms.Sanober Shaikh ... Plaintiff

Versus

1.Mr.Sajjid Nadiadwala & ors ... Defendants

**CORAM : HER HONOUR JUDGE
SMT. H. C. SHENDE
CITY CIVIL COURT, GR. BOMBAY
(C. R. NO.65)**

DATE : 7th February, 2026.

Appearance :-

Adv. D. V. Saroj for the plaintiff.

Adv. Ashwin Bhalekar along with Rishi Bhuta with Bar and Brifs Attorneys for defendant No.1 and 2.

Adv. Neha Patil for defendant No.3.

ORDER

1. The plaintiff has instituted the present suit seeking protection of personality right, right to privacy, right to publicity of her deceased father late Mr. Hussain Shaikh who also known as 'Hussain

Ustara' and has taken out the present notice of motion seeking ad-interim/ interim injunction restraining the defendant from releasing, executing broadcasting or in any manner dealing with and telecasting the suit movie in the name of 'O Romio' on Theater on 13.02.2026 or on any date thereafter at any television channel, OTT platform so also seeking direction for pre-screening of the film by the Court Commissioner or any other person and to submit the report.

2. The case of the plaintiff is in brief is that;

She is daughter of Hussain Shaikh who is Journalist, a social worker. He allegedly assisted various Government agencies including the police and intelligence Bureau. Going to the nature of his work, he had a permission to use bullet-proof jacket. It is the plaintiff's case that her father was killed because he posed a threat to Organised Crime syndicate including the Dawood Ibrahim's Gang.

It is further contended by the plaintiff that, the defendant No.1 and 2 are the Producer and Director respectively of the impugned film "O Romio" which though portrayed as fictional however the film is substantially inspired by the real life of the plaintiff's deceased father as reflected from the public statements, interviews and social media post, including the statements attributed to a former police officer referring to the deceased as an asset of police and Mumbai.

Further according to the plaintiff the teaser, trailer and promotional material of the said film revealed usage of abusive language, caricature, lifestyle and incidents closely resembling the life of the deceased allegedly inspired by the book 'Mafiya Queens of Mumbai' without obtaining consent of the plaintiff or other legal heir.

3. It is the specific contention of the plaintiff that such unauthorized portrayed amounts to infringement of personality right and violation of the right to privacy which according to the plaintiff survives even after the death.

The plaintiff issued several legal notices commencing from 30.10.2025 followed by rejoinders and further notices and eventually logged a complaint Dtd.24.1.2026 despite the same the defendants launched the trailer on 21.1.2026 and proposed to release the film on 13.02.2026. Hence the present suit and notice of motion filed by the plaintiff.

4. The Ld.advocate for the plaintiff in support of their submission relied upon following judgments;

- i) **Sir Ratan Tata Trust and Anr Vs. Dr.Rajat Shrivastava & ors in CS (Comm) 104/2025 & I.A.Nos.3240/2025,3241/2025 and 3242/2025 Dtd.07.02.2025.**
- ii) **Kirtibhai Raval and Ors. Vs. Raghuram Jaisukhram Chandrani 2010 DGLS (Guj) 1626.**
- iii) **Phoolan Devi Vs. Shekhar Kapoor and Ors. 1994 DGLS (Del.) 787.**
- iv) **K.S.Puttaswamy (Retained) and anr Vs. Union of India and Ors. 2017 DGLS (SC) 1239 Supreme Court.**

5. The defendants have filed their detailed reply opposing the notice of motion. It is contended by the defendant that the motion is only misconceived suffers from gross delay and laches and has been deliberately filed at the fag end of the release of film with a view to pressurize the defendants.

It is further contention of the defendants that the film is a pure

work of fiction contents clear disclaimers in Hindi and English as mentioned in their reply, does not use name of deceased, does not claim to be a biography and bears no factual similarity to the plaintiffs father.

It is also contended that the book relied upon by the plaintiffs was published on or about 2011. the film was announced in December, 2024 and yet the objection raised by the plaintiff in October, 2025 with malafide motive without objecting the book.

6. It is further contended by the defendants that personality rights and right to privacy are personal rights which do not survive death and in any event any alleged injury if allegedly caused is compensable damages.

During the course of argument the Ld. defendant counsel for defendant no.1 who argued for the rest defendant also as the argument of Ld.Counsel for defendant No.1 adopted by the rest defendants. It is pointed out to the court that the plaintiff by way of their alleged notices herself demanded compensation from defendant and asked the defendant to take permission. Initially she has put up demand of Rs.1 crore and thereafter demanded Rs.5 crore rupees itself demonstrating that the grievance is purely monitory.

7. It is further contention of the defendant that the defendants have invested substantial amount in production and marketing and any injunction at this stage would cause irreparable loss to the defendants which cannot be accounted, whereas no such prejudice would be caused to the plaintiff.

The Learned advocate for the defendants relied upon the following judgments in support of their claim.

- i) Khushwant Singh and anr Vs. Maneka Gandhi, 2001 SCC OnLine Del1030
- ii) Sandeep Gangatkar Vs. Sandeep Kewlani and Ors, 2025 SCC OnLine Bom 148.
- iii) Sushil Ansal Vs. Endemol India Private Limited and Ors, (2023) 1 HCC (Del) 248.
- iv) Vadlapadla Naga Vara Prasad Vs. CBFC, 2011 SCC OnLine AP 749
- v) Raghunath Pandey Vs. Bobby Bedi, 2006 SCC OnLine Del 221.

8. Heard both the Learned Counsels for the parties at length. Perused affidavits, documents and judgment cited.

9. At the outset it is required to be noted that the film has already received Certification from the Statutory authority. The present plaintiff has admittedly not challenged the said certification before the said appropriate forum nor has the certifying authority been impleaded as a party to the suit. The courts have consistently held that once the film is certified prior restrained through or by way of injunctions, orders must be exercised with extreme precautions.

The principle issue is whether the plaintiff has made out *prima facie* case that the impugned film is a depiction of the life of her deceased father so as to influential any legally enforceable right ?

From the material placed on record and as argued by the respective Ld. Counsels film nether uses name of the deceased nor claims to be a biographical accounts. The defendants have produced disclaimers stating that the characters and the events are fictional. At this stage, without entering into detailed analysis of the contents, this court is not at all satisfied that the plaintiff has established a clear and

unmistakable identification of the deceased with the character portrayed.

10. The contention of the plaintiff that right to privacy and personality rights survive after death is still an evolving area of the law. The judgments relied upon by the plaintiff are clearly distinguishable on the facts. This court with all respect mentioned here that as the facts involved in the matter relied upon by the plaintiff and the facts in the matter in hand are different so those judgments relied on by the plaintiff not coming in help to the plaintiff.

On the other hand the law laid down in the **Khushwant Singh** cited supra and in the subsequent judgments indicates that reputation or privacy claims after death are extremely limited particularly when balance against freedom of expression under Article 19.

11. Here we must note that, the plaintiffs conduct also assumes significance. The correspondence placed before the court which allegedly taken place in between plaintiff and defendant reveals that the plaintiff admittedly demanded monitory compensation at various stages and asked to take their permission. As mentioned above because of the disclaimer placed by the defendants and as at this stage we are not adjudicating the matter finally with evidence. The plaintiffs case cannot be accepted as it is more particularly the intention of plaintiffs expressed through admitted correspondence, in between parties.

Considering the settled principle of law and law relating to the injunction the court is of view that, the once the injury is claimed to

be compensable in money, the grant of injunction by the court become impermissible in the eye of law.

12. The element of delay is also needs to be considered. The plaintiff was well aware of the proposed film much prior to filing suit, yet approached to the court only when the release date was imminent. The law of equity is that, equity does not favour a party to sleep over its alleged rights.

13. As regards to the prayer of pre-screening by the court commissioner such a course would amount to judicial censorship which is also not permissible in a view of settled law and when a separate forum is available to plaintiff for the same.

14. On the touchstone of the three fold test-prima facie case, balance of convenience and irreparable injury this court finds that, no strong prima facie case made out by the plaintiff to issue injunction which is in the form of mandatory injunction, balance of convenience fact lies in favour of defendants so also the record suggesting that any alleged injury to the plaintiff is compensable in terms of damages.

15. The Court therefore comes to the conclusion that no case made out by the plaintiff to have any equitable relief in her favour.

16. Considering the circumstances and for the reasons mentioned above, the court proceed to pass the following order ;

ORDER

1. The Notice of Motion No. 795/2026 in Suit No.257/2026 is dismissed.
2. It is clarified that the observations made in the order are *prima facie* in nature and shall not influence on the final adjudication of the suit.
3. No order as to costs.
4. Proceeding of Notice of Motion No.795/2026 in Suit No.257/2026 is closed.

Date : 07.02.2026

(H. C. Shende)
Judge,
City Civil Court, Gr. Bombay.

Dictated on : 07.02.2026
Transcribed on : 07.02.2026
Checked on : 07.02.2026
Corrected & Signed on : 07.02.2026

**“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER.”**

Upload Date	Upload Time	Name of Stenographer
07.02.2026	05.39 p.m.	Prajakta K. More-Grade-I

Name of the Judge (With Court Room No.)	HHJ Smt. H. C. Shende (C.R. No.65)
Date of Pronouncement of JUDGEMENT /ORDER	05.02.2026
JUDGEMENT /ORDER signed by P.O. on	07.02.2026
JUDGEMENT /ORDER uploaded on	07.02.2026

