

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 374 OF 2021

Raymond Limited	...Petitioner
<i><u>Versus</u></i>	
Dr. Vijaypat Singhania & Ors.	...Respondents

Mr. Tushad Cooper, Senior Advocate, a/w Mr. Karthik Nayyar, Mr. Krish Kalra, Mr. Rushab Kumar, Adv. Eram Qureshi & Siddharth puthoor i/b Mehta & Padamsey for the Petitioner.

Mr. Yakshay Chheda i/b Mr. Yash Bhatia for Respondent No. 2.

CORAM : SURENDRA P. TAVADE, J.

DATE : 4th NOVEMBER, 2021.

P.C. :

1. Heard learned Counsel for the Petitioner and Respondent.

2. On perusal of the petition it appears that on 26th September, 2018, the Petitioner filed regular Civil Suit No. 938 of 2018 before the Civil Judge, Senior Division, Thane, against the Respondent including the erstwhile publisher (Penguin Random House). On 6th October, 2016, Respondent No. 3 gave undertaking to Civil Judge, Senior Division that he would give two weeks advance notice to the Petitioner, if they intend to use the title "The Incomplete

Man” for the publication of purported autobiography. On 28th February, 2019, this Court restrained Respondent No. 3 from publishing book till 13th March, 2019, in Miscellaneous Civil Application (St) No. 30706 of 2018. On 18th March 2019 this Court extended the injunction order till 25th March 2019 and directed to appear before the Learned Civil Judge, Senior Division, Thane on 25th March 2019, at 3:00 p.m.. The parties have appeared before the trial Court, as per the direction of this Court. On 17th April 2019, the trial Court in Civil Suit No. 938 of 2018 restrained Respondent No. 3 and erstwhile publisher from publishing the book for a period of eight days. But interim application came to be rejected. The said order was challenged by the Petitioner before the District Court by preferring Miscellaneous Civil Application No. 83 of 2019 before the District Judge. On 22nd April 2019, the District Court extended the interim order and restrained Respondent No. 3 and erstwhile publisher from publishing book till the pendency of the appeal filed by the Petitioner.

3. It appears that the Respondent No. 3 has published autobiography in spite of injunction order passed against him. The said book is offered for sale through Amazon by digitally and by hard copy. The said action is required to be stop because the injunction order is running against the Respondents.

4. I am of the considered opinion that the further damage is required to be averted by issuing the injunction order as prayed for.

Hence, I pass the following order:

ORDER

Injunction is issued against the Respondents in terms of the prayer clauses “f” and “v” of the petition as follows:

“f) Pass an Order restraining/ injuncting the Contemnors No. 2 – 3, their directors, employees, wholesalers, distributors, franchise, partners, officers, representatives, servants, employees, agents or any one acting through or under or by their consent, and any other known and unknown persons to cease and desist from inter alia advertising, displaying, writing, editing, printing, authoring, selling, offering for sale, further distribution, selling, or otherwise make available directly or indirectly the purported autobiography namely “An Incomplete Life” with any statements relating to the Petitioner pending the pendency of the Appeal bearing no. M.C.A 0000083/2019 filed by the Petitioner currently sub-judice before the Ld. District Judge, Thane;

v) Pending hearing and final disposal of the present petition, the Contemnors, their officers, employees or anyone acting through or under or by their consent, be restrained by an appropriate order from committing further violation of order dated 22.04.2019;”

5. Stand over to 25th November, 2021.

(SURENDRA P. TAVADE, J.)