

**CS No. 852/19**

**Chanda Kochhar Vs. Jai Viratra Entertainment Ltd. & Ors.**

**23.11.2019**

**Fresh suit received by way of assignment. It be checked and registered as per rules.**

Present: Sh. Vijay Aggarwal, Sh. Naman Joshi, Neeraj Tiwari, Shayun Singh, Uzair Khan and Sh. Rudrashish Bhardwaj, Ld. Counsels for plaintiff.

Ld. Counsels for plaintiff have filed additional list of documents and documents.

Alongwith the suit, the plaintiff has also filed an application under Order 39 Rules 1 & 2 CPC. Arguments on application U/o 39 rules 1 and 2 of CPC heard.

1. The case of the plaintiff is that she is former MD and CEO of ICICI Bank Ltd., one of the largest banks of India. She was conferred with Padma Bhushan for her work in the financial sector in the year 2011. She received the Wockhardt gold medal for excellence in Management studies and J.N. Bose gold medal in cost accountancy. She holds an Honorary Doctorate from Carleton University, Canada. She became MD of ICICI Bank Ltd in the year 2009. She has consistently figured in the Fortune list of most powerful women in business since 2005 and has also featured in the Forbes world's hundred most powerful women list. She has been listed in the Time magazine's list of hundred most influential people in the world in the year 2015.

2. It is averred that defendant no. 1 is a production house

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that has produced and / or has distribution rights of a forthcoming film titled as "Chanda: A signature that ruined a career". Defendants no. 2 to 4 are directors of defendant no. 1 company. Defendants no. 2 and 5 are producers, defendant no. 6 is the director and defendant no. 7 is the lead actress of the aforementioned film. Defendant no. 7 is giving interviews which are available online wherein she speaks of her portraying the role of the plaintiff. Her Instagram profile is having over 1.5 Lakh followers, on which, the aforementioned film is being promoted. Defendant no. 8 is representative of any other person(s) connected with the aforementioned film.

3. It is averred that on 20.11.2019, the plaintiff has discovered that an alleged biopic purportedly based on her life and events of her life has been made and which is titled as "Chanda : A signature that ruined a career". News about the said forthcoming film are being reported online on The Times of India. Videos about

this film are available on Youtube. The content of the film is defamatory as it makes insinuations and judgments about the life of the plaintiff. The plaintiff has never been approached for obtaining her consent to use her name and make a film on her life, by the defendants.

4. It is averred that defendant no. 7 has stated in her interview with the Times of India that she is depicting a real life person. Her Instagram page claims that she has starred in a biopic. She is openly speaking as to how the film is about and alleged mistake made by the plaintiff and how it ruined her life. She claims

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that she has portrayed the style of walking, talking and body language of the plaintiff at the instance of defendant no. 6. It is evident that the plaintiff is being shown as a culprit. It is pertinent to mention that RC/BDI/2019/E/0001 dated 22.01.2019 has been filed by CBI and ECIR No. ECIR/02/HIU/2019 dated 31.01.2019 has been filed by ED.

5. It is averred that the plaintiff has co-operated in investigation and no chargesheet has yet been filed in either of the aforementioned cases. The promotional interviews and vilifying material are extremely prejudicial to the investigation and trial, if any. The title of the forthcoming film is by itself derogatory. The defendants have prejudged plaintiff's life and found her guilty. The pre-release screening of the aforementioned film has already taken place in some places / to some audiences and now, the film is slated to be screened at the International Film Festival of India on 28.11.2019. The film violates that plaintiff's fundamental right of privacy

6. It is averred that the defendants have condemned the plaintiff before conclusion of investigation. The contents of the film are defamatory which are likely to lower her reputation in the society at large. The interview given by defendants to the Times of India is available online. The mental suffering and agony caused to the plaintiff is beyond exact calculation and she reserves her right to sue for damages upon full evaluation of the damages. The defamatory contents are available / in circulation in New Delhi and the forthcoming film is likely to be screened at New Delhi through

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various modes. The plaintiff's counsel Sh. Ashul Aggarwal, viewed the aforementioned content at his office situated at Naraina Vihar, New Delhi.

7. In support of his contentions, Id counsels for plaintiff have relied upon the following judgments :

**(i) Shivaji Rao Gaikwad Vs. M/s Va rsgha Productions, 2015-1-L.W.701 (Madras High Court).**

**(ii) Swami Ramdev Vs. Juggernaut Books Pvt. Ltd. & Ors, CM (M) No. 556/2018, decided on 29.09.2018 (Delhi High Court).**

**(iii) K.A. Abbas Vs. Union of India (1970) 2 SEC 780**

**(iv) Naveen Jindal & Anr. Vs. Zee Media Corporation Ltd. & Ors, 2014 SEC Online Del 1369**

**(v) Dr. Shashi Tharoor Vs. Arnab Goswami & Anr. (2018) 246 DLT 279.**

**(vi) Swatanter Kumar Vs. The Indian Express Ltd & Ors, 2014 SEC Online Del 210.**

8. The Court has heard arguments advanced on behalf of the plaintiff and has perused the record with the assistance of her counsels.

9. A perusal of the transcript of the interview allegedly available on Youtube shows that defendant no. 7 has categorically stated that she has played the role of the plaintiff in the aforementioned forthcoming film. Defendant no. 7 has claimed that the film is based on real incident that occurred with plaintiff. She has allegedly stated that the plaintiff had signed at the instance of her husband and one signature changed and ruined the life of the

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plaintiff.

10. Further, a print out of the news item published in the Entertainment Times on 19.11.2019 depicts that the forthcoming film is based on the life of plaintiff. The contents of the film have the potential to prejudicially affect the reputation of the plaintiff amongst the public. The alleged incident(s) associated with the plaintiff are subject matter of investigation and no court of law has pronounced any judgment or order holding the plaintiff to be guilty in relation to the same. Therefore, a strong prima-facie case is made in favour of

the plaintiff. Balance of convenience also lies in her favour and she is likely to suffer irreparable loss, if ex-parte injunction is not granted in her favour as her reputation would be frittered.

11. Accordingly, all the defendants and their associates, agents, representatives and all others acting for and on their behalf are hereby restrained from using the plaintiff's name directly or indirectly ; screening, exhibiting or marketing the film "Chanda: A signature that ruined a career" online or offline, whole or in part or in any other form / under any other name claiming to be biopic or relating to the plaintiff without her consent; making, publishing, sharing or circulating any commentary / promotion about the aforementioned movie in any manner whatsoever, till the next date of hearing.

Plaintiff is directed to comply with the provision of Order 39 Rule 3 CPC within three days from today. Issue summons for settlement of issues and notice of application U/o 39 rules 1 and 2

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of CPC to all the defendants on filing of one time process fee of Rs. 1,000/- and speed post. Additionally, the defendants be also served through all additional modes permissible under the Delhi High Court Rules & Orders.

Re-notify on 26.11.2019.

Copy of this order be given dasti to Ld. Counsels for plaintiff forthwith. □ \ ---