

KPP

-1-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (LODGING) NO 943 OF 2013
IN
SUIT (L) NO. 350 OF 2013

[REDACTED]

... APPLICANT/PLAINTIFF

VERSUS

[REDACTED]

... DEFENDANTS

[REDACTED], Senior Advocate, with Mr [REDACTED], Ms [REDACTED] and Mr [REDACTED] Advocates for Applicant/Plaintiff.

None for Defendants

CORAM : [REDACTED]

DATE : 29th April 2013P.C.

- 1) An application is made for interim reliefs in terms of prayer (a) to (e) of the Notice of Motion.
- 2) Though notice has been served on Defendant Nos 1 to 4, none appear for the Defendants.
- 3) The grievance of the Applicant/Plaintiff is that they are a well known manufacturer of ready to serve fruit beverages, one of which is sold under the mark "Frooti" and is a very popular product. The Applicant/Plaintiff has

KPP

-2-

produced material to support their claim that the said product is very well received. I have perused a copy of the Certificate of Sales and Advertising figures given by the Chartered Accountant.

4) The 1st Defendant has published the Impugned Statement about the Applicant/Plaintiff's product on his page on Defendant No. 3's website, a copy of which is annexed as Exhibit D.

5) The Applicant/Plaintiff contends that the said statement is false, malicious and defamatory of the Applicant/Plaintiff and by the said statement the said Defendant has disparaged the product.

6) I have perused a copy of the email from NDTV denying that they had published any news item on any channel as alleged in the Impugned publication. I have also perused a copy of the letter addressed by the ACP, Headquarters, Delhi Police denying any association or circulation of the impugned message.

7) In my view the conduct of the 1st Defendant is reprehensible. I am prima facie satisfied that the 1st Defendant has committed the tort of defamation and disparagement. The Impugned Statement is publicized on the websites of Defendant Nos 3, 4 and 5. Defendant No. 2 is the employer of Defendant No. 1 and allowed Defendant No. 1 to use its telecommunications equipment for publication and circulation of the Impugned material.

8) The Applicant/Plaintiff has made a strong prima facie case for the grant of the injunction. If such injunction is not granted, irreparable harm will be

KPP

-3-

caused to the Applicant/Plaintiff. The balance of convenience is also in favour of the Applicant/Plaintiffs. This is a fit case for grant of mandatory order which is also prayed for in the Motion.

9) In the circumstances, ad interim order against Defendants Nos 1 to 4, in terms of prayers (a) to (e).

10) Liberty to Applicant/Plaintiff to apply for ad interim reliefs against Defendant No. 5 after service.

11) Liberty also granted to Defendants 1 to 4 to apply for variation and/or modification of this order, after giving notice to the Plaintiff's Advocates.

[REDACTED] J.)

TRUE COPY
[REDACTED]
Section 81
High Court, Appellate Side
Bombay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO.943 OF 2013
IN
SUIT (L) NO.350 OF 2013

██████████.] ... Applicant/
Original Plaintiff

In the matter of :

██████████.] ... Plaintiff

Versus

██████████ and Others.] ... Defendants

Mr. ██████████ a/w Mr. ██████████; Ms. ██████████ &
Mr. ██████████ ██████████. for Applicant/Original Plaintiff.
None for Defendant No.5.

CORAM :- ██████████, J.

DATE :- MAY 08, 2013

P.C. :-

By an order dated 29th April 2013, an ad-interim order against the Defendant Nos.1 to 4 in terms of prayer clauses (a) to (e) of the Notice of Motion was granted for the reasons set out in the said order. However, since the Defendant No.5 was not served, liberty was granted to the Applicant/Original Plaintiff to apply for ad-interim reliefs against the Defendant No.5 after service. In view thereof, the Applicant/Original Plaintiff is making the present application for urgent ad-interim reliefs against the Defendant No.5

after service. None appear for the Defendant No.5 though served. In view thereof, the ad-interim order against the Defendant Nos.1 to 4 in terms of prayer clauses (a) to (e) is also extended against Defendant No.5. Place the Notice of Motion for hearing and final disposal on 10th June 2013.

([REDACTED], J.)

PAGES OMITTED FOR BREVITY

 Tweet


@



Pls Dont Drink #Frooti products,
a worker frm company has
added his blood contaminated
with HIV AIDS. (Care & Share)
pic.twitter.com/4IDWc5WtPa

10:55pm - 16 Apr 13



Important msg from Delhi police to all over
India: For the next few weeks do not drink
any product of Frooti, as a worker from the
company has added his blood
contaminated with HIV (AIDS). It ws shown
yesterday on NDTV... Pls forward this msg
urgently to people you care... Take Care!!
Share it as much as u can

44

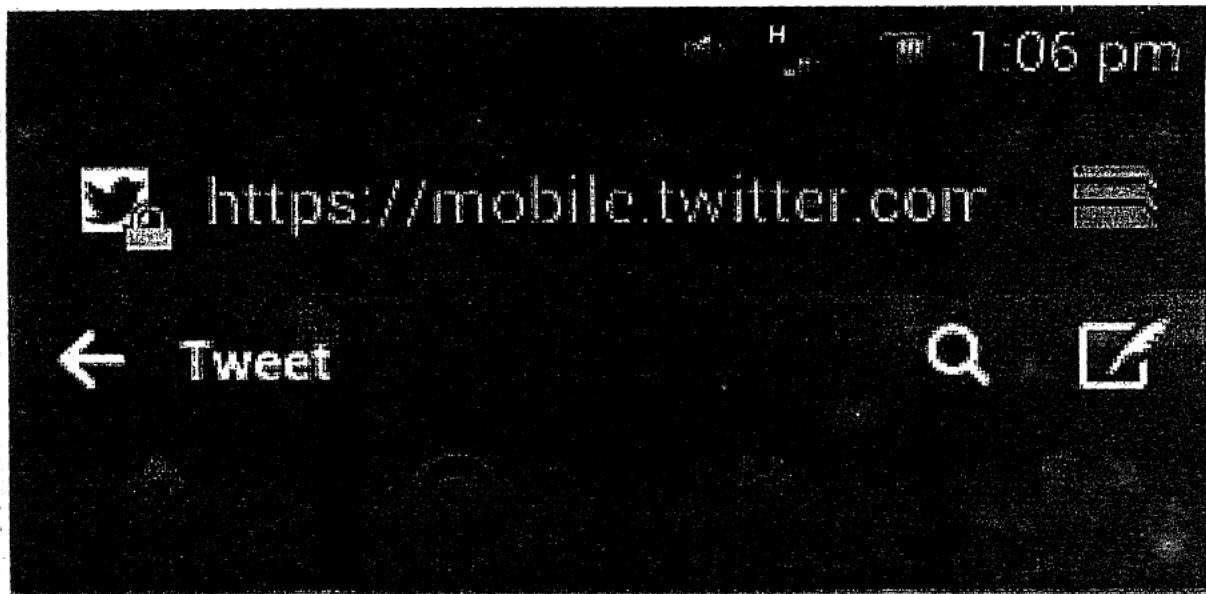


This i received on my FB:
Dontt drink any product of
Frooti, as a worker from the
company has added his blood
contaminated with HIV (AIDS)

9:02pm - 22 Mar 13



45



[REDACTED]



dont drink frooti thier labours
are adding blood of aids to it

3:16pm - 29 Mar 13



Reply to ([REDACTED])



46



[Redacted Name]
[Redacted Bio]



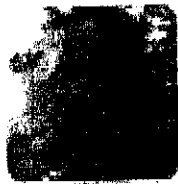
Suna hai ki Frooti main kisi
worker ka blood gaya hai jis ko
aids tha □Kya yeh sach hai.....

11:44pm - 12 Apr 13



Reply to [Redacted]





Karthick Sridharan

@Karthick2668



Follow

**Disgruntled AIDS infected Worker for Frooti
in Delhi has Mixed his Blood in the Drinks!
Delhi Police have alerted!**

← Reply ↻ Retweet ★ Favorite ... More

10:41 AM - 11 Jun 12

Reply to @Karthick2668



Devina Badhwar

@DivaDevs



Follow

If AIDS wasn't already plaguing the life of this country, now we have to refrain from drinking fruit juice? Is the #Frooti case true?

← Reply ↻ Retweet ★ Favorite ●●● More

4:12 PM - 7 Jun 12

Reply to @DivaDevs

backtweets

Twitter Search

#frooti aids

Go

examples: [#userid/name](http://www.backtweets.com/backtweets.com/@userid/name) #hashtag query

16 archived tweets for: "#frooti aids"



nloferd

Load status #211049773728407550 by clicking here.

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Jun 8, 2017



sidmalhofanclub

(Info) Sidains don't have frooti for some days as thw worker of the company put his HIV(aids)+ blood in it..we don't u fall sick! RT..plzz:)

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Apr 19, 2013



lgrace

Bhabhi knows am a frooti addict so sms'd me the hoax msg of it being contaminated with AIDS virus.. Who starts these idiotic sms's.

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Jun 5, 2012



preetishenoy

Is anyone getting messages about frooti being contaminated with AIDS blood?!

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Jun 4, 2012



ammy_aron

do not drink any product of Frooti,as a worker from the company has added his blood contaminated with HIV (AIDS).a msg from delhi police

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Mar 29, 2013



abhiambalawalia

Imp For the next few days do not drink any product of Frooti,as a worker frm the company has added his blod contaminated with AIDS Watc

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Jun 5, 2012



bwoyblunder

PLEASE DONT DRINK FROOTI: #FakingNews pic.twitter.com/TwNe2YmX @ BwoyBlunder Still you cant get AIDS unless you have ulcer in

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Jan 4, 2013



ranveerjawda

hey guys do nt drink frooty coz is had a aids person's blood mixed in da frooti.... so beware...

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Jun 11, 2012



oilrefi

Msg frm Delhi police: For t next few days dont drink any product f Frooti, a wrker frm t compny aded his blod contaminatd wit AIDS.Wach NDTV

↩ Reply ↻ Retweet ⚡ Favorite ⌚ Jun 8, 2012

44 archived tweets for: "frooti delhi police"



aliaasworld

Important msg from Delhi police to all over India: Piss dont drink frooti for sumweeks as a frooti employee has added his AIDS blood in it.

↻ Reply 13 Retweet ☆ Favorite ⌚ May 16, 2013



woohoochild

Msg from Delhi police: For the next few days don't drink any product of Frooti as a worker has added his blood contaminated with AIDS.

↻ Reply 13 Retweet ☆ Favorite ⌚ Jun 5, 2012



maaney

Delhi police issued warning not to drink Frooti for few weeks as worker with HIV has added his blood in the mix. True? @iamark #india

↻ Reply 13 Retweet ☆ Favorite ⌚ Apr 15, 2013



oilref

Msg frm Delhi police: For t next few days dont drink any product f Frooti, a wrker frm t compny aded his blud contaminatd wit AIDS.Wach NDTV

↻ Reply 13 Retweet ☆ Favorite ⌚ Jun 8, 2012



karthick2668

Disgruntled AIDS infected Worker for Frooti in Delhi has Mixed his Blood In the Drinks! Delhi Police have alerted!

↻ Reply 13 Retweet ☆ Favorite ⌚ Jun 10, 2012



skrupa78

Important msg from Delhi police: For the next few days do not drink any product of Frooti, as a worker from the... <http://fb.me/1ptOz59Kz>

↻ Reply 13 Retweet ☆ Favorite ⌚ Jun 5, 2012



sidmalhofandub

(Info) SIdalns don't have frooti for some days as thw worker of the company put his HIV(aids)+ SIdian..delhi police..told this..they can't lie na.

↻ Reply 13 Retweet ☆ Favorite ⌚ Apr 19, 2013



me_akshaykumar

Important msg from Delhi police to all over India: For the next few weeks do not drink any product of Frooti (1/2).

↻ Reply 13 Retweet ☆ Favorite ⌚ Mar 21, 2013



nahlovikasso



@STUIPUR

**Important msg from Delhi police:
For the next few days do not drink any
product of Frooti, as a worker from the
company has added his bl .**

← Reply ↻ Retweet ★ Favorite ... More

5:48 AM - 9 Jun 12

Reply to @STUIPUR



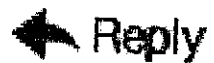
Mr. Malhotra

@SidMalhofanclub



Follow

(Info) Sidains don't have frooti for some days as thw worker of the company put his HIV(aids)+ blood in it..we don't u fall sick! RT..plzz:)



Reply



Retweet



Favorite



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4

RETWEETS



7:37 PM - 19 Apr 13

Delhi police issued warning not to drink
Frooti for few weeks as worker with HIV has
added his blood in the mix. True? @iamsrk
#india

← Reply ↻ Retweet ★ Favorite ... More

1

RETWEET



7:56 PM - 15 Apr 13

Reply to @MaaNey @iamsrk



gumnaam :) @HmnmSahilHal

15 Apr

@MaaNey just a rumor.

Details



The Brown Brumby @brownbrumby

15 Apr

@MaaNey Sounds like a rumor. Such drinks are produced
using full automatic machines. Raw material goes in,
packaged drink comes out.

Details



Pyaar Se Mario @SquareGas

15 Apr

@brownbrumby It's a news I received on SMS about 4
years back :) I hope it'll be safe by now. @MaaNey

Details



The Brown Brumby @brownbrumby

15 Apr

@SquareGas Haha

Details



uncannybal @uncannybal

15 Apr

@SquareGas @brownbrumby @MaaNey Nonsense rumours
spread by competitors. Sunita Narain wid hv jumped to
check it & make news



Vivek Mangla

@vivekmangla



Important msg from Delhi police:For the next few days do not drink any product of Frooti, as a worker from the...

fb.me/23wZmoeNS

Reply Retweet Favorite More

4:41 PM - 31 May 12

Reply to @vivekmangla



@woohoochild

**Msg from Delhi police: For the next few days
don't drink any product of Frooti as a worker
has added his blood contaminated with
AIDS.**

← Reply ↻ Retweet ★ Favorite ... More

3

RETWEETS



6:07 PM - 5 Jun 12

Reply to @woohoochild



is it safe... everybody.. important they must be in police to
all over India: For
the next few weeks do not drink any product of Frooti (1/2)

Details ◀ Reply ↻ Retweet ★ Favorite ... More



Champuterology @BolshoyBooze

21 Mar

@akshaykpv94 @Asha_EK This is just rumour by the
competitors.. pls dont give wind to it

Details



Happy Kitten

@Asha_EK



Follow

**@BolshoyBooze @akshaykpv94 can the
virus survive in frooti?**

🌐 View translation

◀ Reply ↻ Retweet ★ Favorite ... More

8:42 PM - 21 Mar 13 📍 from location

Reply to @Asha_EK @BolshoyBooze



@Me_AkshayKumar

21 Mar

@Asha_EK @BolshoyBooze Y not...? It can even survive in
our body without responding to medicens.

Details



Happy Kitten @Asha_EK

21 Mar

@akshaykpv94 @BolshoyBooze
thebody.com/Forums/AIDS/Sa...

Details



@Me_AkshayKumar

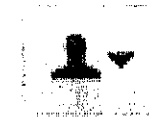
21 Mar

@Asha_EK @BolshoyBooze Thanx for the info...!



Prasanto K Roy

@prasanto



 **Follow**

Caution: Lots of spam SMS floating around, such as the one about Frooti contaminated with HIV blood. Major killing for mobile operators!

 Reply  Retweet  Favorite  More

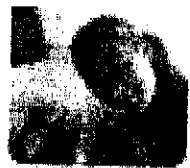
2

RETWEETS



11:48 AM - 13 Jun 12

Reply to @prasanto



Krupa Sharma

@skrupa78



Follow

**Important msg from Delhi police:
For the next few days do not drink any
product of Frooti, as a worker from the...
fb.me/1ptOz59Kz**

← Reply ↕ Retweet ★ Favorite ●●● More

1:16 PM - 5 Jun 12

Reply to @skrupa78



abhishek walia

@AbhiambalaWalia



Follow

Imp

For the next few days do not drink any product of Frooti, as a worker from the company has added his blood contaminated with AIDS

Watch NDTV

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12:17 AM - 7 Jun 12

Reply to @AbhiambalaWalia

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Nina Dobrev ✓ @ninadobrev
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msnbc video ✓ @msnbcvideo
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#FTITweet4aTree  Promoted

#ThinkEatSave

#GetOverTV

#JiahKhan

#MyCityNeedsAShower

#MyStepToGoGreen

NCTC

RJD

Nitish Kumar

Nawaz Sharif

Results for #frooti # aids



Tweets Top / All / People you follow



Diwakar Narayan @diwakarnarayan

14 Jun

News is that Mango Frooti is mixed with AIDS affected blood. DON'T DRINK till we get some authentic news from the company.
#AIDS #Frooti

Expand



adi_shah @adi_shah

7 Jun

Dun know much about the authentication of #Frooti and #aids worker adding his blood story, but #aids virus can hardly live out of the body.

Expand



Samarth @Samarth_Sam

5 Jun 12

Got nother #fake BBM fwd, "a batch of #frooti products (@parle_agro) from Delhi has #Aids virus" If only ppl knew more bout **#AIDS**


Expand

Refresh · View all

I Peters  @therealrussellip
ed by Nadia Chauhan and o...

ai Boss @MumbaiBoss
ed by Smitzonian and others

r khan  @ImZaheer
ed by amit srivastava and ot...

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Results for frooti aids

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This Tweet from @Andrewbrine1 has been withheld in: India. Learn more

Tweet withheld

This Tweet from @Togchung has been withheld in: India. Learn more






World Of Salman Khan @worldofsalmank

Dont drink Frooti,it has contaminated blood with AIDS...

'Share and Spread'

visit - unitezz.com fb.me/2gyIBOSGZ

Collapse  Reply  Retweet  Favorite ... More

6
RETWEETS

6
FAVORITES



8:45 AM - 5 Jul 12 · Details

Reply to @worldofsalmank






என். சொக்கன் @nchokkan

பெப்ஸி, கோகாகோலாவில் 10 மில்லி ஆல்கஹால் இருக்குன்னு ஒரு
மெயில். 10 மில்லி ஆல்கஹால் பெப்ஸியைவிட கான்ட்லி இல்லை!
Expand



சுரேஷ். @tsureshkumar

@nchokkan frooti-ல கூட AIDS இரத்தம் கலந்திருக்கிறதா ஒரு
கத்திலிருந்து. இரண்டு வாரத்துக்கு frooti குடிக்காதிங்க. பீர் கு
Hide conversation  Reply  Retweet  Favorite ... More

11:23 PM - 28 Jun 12 · Details

Reply to @tsureshkumar @nchokkan



TyagiG @tyagiG

Imp msg frm Delhi police: Do not drink any product of Fro
worker from the company has added his blood contamin
AIDS. #BBM



Preeti Shenoy

@preetishenoy



Follow

Is anyone getting messges about frooti being contaminated with AIDS blood?!

Reply Retweet Favorite More

2

RETWEETS



11:44 AM - 5 Jun 12

Reply to @preetishenoy



TyagiG @tyagiG

Imp msg frm Delhi police: Do not drink any product worker from the company has added his blood con
AIDS. #BBM

Collapse ◀ Reply ↻ Retweet ★ Favorite ... More

7
RETWEETS



12:59 PM - 23 Jun 12 · Details

Reply to @tyagiG



Raju @rajupp

Just received a forwarded SMS from a techie friend
packets contaminated with **AIDS** virus :| How could
this? :|

Expand



Bala
@oilrefi



**Msg frm Delhi police: For t next few days
dont drink any product f Frooti, a wrker frm
t compny aded his blud contaminatd wit
AIDS.Wach NDTV**

Reply Retweet Favorite More

12:12 PM - 9 Jun 12

Reply to @oilrefi



Bala
@oilrefi



Follow

**Msg frm Delhi police: For t next few days
dont drink any product f Frooti, a wrker frm
t compny aded his blud contaminatd wit
AIDS.Wach NDTV**

Reply Retweet Favorite More

12:12 PM - 9 Jun 12

Reply to @oilrefi

Is it take...? Anybody.. Important msg from Delhi police to all over India: For the next few weeks do not drink any product of Frooti (1/2)

← Reply ↻ Retweet ★ Favorite ... More

1

RETWEET



8:12 PM - 21 Mar 13 📍 from location

Reply to @Me_AkshayKumar



Champuterology @BolshoyBooze

21 Mar

@akshaykpv94 @Asha_EK This is just rumour by the competitors.. pls dont give wind to it

[Details](#)



Happy Kitten @Asha_EK

21 Mar

@BolshoyBooze @akshaykpv94 can the virus survive in frooti?

[Details](#)



👤 @Me_AkshayKumar

21 Mar

@BolshoyBooze @Asha_EK Okhey....!

[Details](#)



👤 @Me_AkshayKumar

21 Mar

@Asha_EK @BolshoyBooze Y not...? It can even survive in our body without responding to medions.

[Details](#)



Happy Kitten @Asha_EK

21 Mar

@akshaykpv94 @BolshoyBooze
thebody.com/Forums/AIDS/Sa...



© Alia's World ♥

@Aliaasworld



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Important msg from Delhi police to all over
India: Plss dont drink frooti for sumweeks as
frooti employee has added his AIDS blood
in it.

Reply Retweet Favorite More

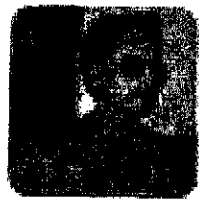
TWEET

12 PM - 16 May 13

Reply to @Aliaasworld

© 2013 Twitter About Help





Ammy Aron

@Ammy_aron



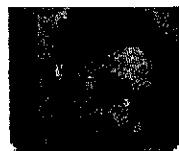
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do not drink any product of Frooti,as a worker from the company has added his blood contaminated with HIV (AIDS).a msg from delhi police

← Reply ↻ Retweet ★ Favorite ... More

3:27 PM - 29 Mar 13

Reply to @Ammy_aron



Me_AkshayKumar

@Me_AkshayKumar



Follow

Is it fake...? Anybody.. Important msg from
Delhi police to all over India: For
the next few weeks do not drink any product
of Frooti (1/2)

← Reply ↕ Retweet ★ Favorite ... More

1

RETWEET



8:12 PM - 21 Mar 13 📍 from location

Reply to @Me_AkshayKumar

[illegible]

[illegible]

