

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
INTELLECTUAL PROPERTY RIGHTS DIVISION
ORIGINAL SIDE

IA NO. GA-COM/1/2026

IN

IP-COM/54/2025

PROSENJIT CHATTERJEE
VS
MASALA MAMAJI AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th March, 2026.

Appearance:

*Mr. Debnath Ghosh, Sr. Adv., Mr. Moyukh Mukherjee, Adv. Ms. Sristi Barman Roy, Adv.
Mr. Aman Baid, Adv., Ms. Sagnika Banerjee, Adv.,
for the plaintiff/petitioner*

The Court: The plaintiff is a renowned personality in the national film circuit. He alleges that without his consent, the defendants have in several ways and manner used his photographs some of which are generated through Artificial Intelligence (in short AI) to represent to the public at large that the plaintiff is associated with the defendants or their products. The plaintiff refers to photographs at pages 51 to 54 which form part of Annexures "E", "F" and "G" of the said petition.

The plaintiff alleges that the display of photographs by the defendants infringes the protection available to the plaintiff of his personal rights under Article 21 of the Constitution of India, the protection under Section 57 of the Copyright Act, 1957, and Section 35 of the Specific Relief Act, 1963.

The plaintiff says that he has no arrangement or agreement with any of the defendants permitting them to display his photograph to represent to public at large that he is associated with the defendants or with their product. Although, the plaintiff has moved this application ex parte for reasons whereof the allegations made by the plaintiff that he has no arrangement or agreement with either of the defendants as stated hereinabove cannot be controverted by any of the defendants. In the event, an injunction is granted, it may cause hardship to the defendants if they are able to demonstrate that they actually have an arrangement or agreement with the plaintiff. However, keeping in mind the stature of the plaintiff and that his image may be tarnished by indiscriminate use of his photographs to portray that he is associated with the products of entities who have no agreement or arrangement with him, a limited protection is granted to the plaintiff at this stage. This limited protection is to prevent multiplicity of judicial proceedings and in view of the fact that refusing an order of restraint will create more inconvenience and cause further prejudice to the plaintiff.

The defendant nos.1 and 5 who appear to have used the photographs and videos of the plaintiff in representing to public at large that the plaintiff is associated with the said defendants or their product are restrained from using the photographs or name of the plaintiff to be associated with them or their product without there being any arrangement or agreement between them. This order shall remain in force till 27th March, 2026.

The matter is made returnable on 24th March, 2026.

The plaintiff shall serve the defendants a copy of the plaint and this application in compliance of the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (in short CPC).

It is made clear that on the returnable dated the defendants will be entitled to apply for vacating the order upon satisfying the Court with cogent material. The order shall also stand vacated if there is no compliance of provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908.

(ARINDAM MUKHERJEE, J.)

Sb/