



2026:DHC:8897



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010858362024**+ **CS(COMM) 1053/2024 and I.A. 46360/2024**Date of decision: **05.10.2026****IN THE MATTER OF:-****1. DR DEVI PRASAD SHETTY**

NARAYANA INSTITUTE OF CARDIAC SCIENCES
NO. 258/A, BOMMASANDRA INDUSTRIAL AREA
ANEKAL. T.Q. BANGALORE, L AREA,
KARNATAKA, INDIA, 562158

.....PLAINTIFF NO.1

2. NARAYANA HRUDAYALAYA LTD.

NO. 258/A, BOMMASANDRA INDUSTRIAL AREA
ANEKAL. T.Q. BANGALORE, L AREA,
KARNATAKA, INDIA, 562158

.....PLAINTIFF NO.2

*(Through: Mr.Sidharth Chopra, Ms.Shilpa Gupta, Ms. Deepika
Pokharia and Mr.Naman Tandon, Advocates.)*

versus

1. MEDICINE ME

(FACEBOOK PAGE)
THROUGH ILHAM FADHLI
ADDRESS: N/A

.....DEFENDANT NO.1

2. QDD - MILANO NIGHTLIFE TV

(FACEBOOK PAGE)
THROUGH VLADISLAVA SAVELYEVA
ADDRESS: N/A

.....DEFENDANT NO.2

3. UCCH RAKTCHAP KE ROGIYON KE

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LIYE SABSE MAHATVAPURN JANKARI
(FACEBOOK PAGE)
THROUGH ALINA BORISOVA
ADDRESS: N/A

.....DEFENDANT NO.3

4. MR. PAPAI BISWAS
SUDIN ASBEI: HEALTH AWARENESS CENTRE
(YOUTUBE CHANNEL)

.....DEFENDANT NO.4

5. MR. AVIK NEOGI
TRAVEL GUIDE AVIK
(YouTube Channel)

.....DEFENDANT NO.5

6. MR. RAJU DEY
IMAGINE 6
(YouTube Channel)

.....DEFENDANT NO.6

7. LIFESTYLE CARE
(YouTube Channel)
<https://www.youtube.com/@lifestylecare360>
THROUGH GOOGLE LLC
1600 AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW,
CALIFORNIA 94043,
UNITED STATES.

.....DEFENDANT NO.7

8. HEALTH & HAPPINESS
(YouTube Channel)
<https://www.youtube.com/@HEALTHINFO272>
THROUGH GOOGLE LLC

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1600 AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW,
CALIFORNIA 94043,
UNITED STATES.

.....DEFENDANT NO.8

9. META PLATFORMS INC.
(formerly named Facebook Inc.)
1601 WILLOW ROAD MENLO PARK,
CA 94025 UNITED STATES

.....DEFENDANT NO.9

10. GOOGLE LLC
1600 AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW,
CALIFORNIA 94043,
UNITED STATES.

.....DEFENDANT NO.10

11. DEPARTMENT OF TELECOMMUNICATIONS
MINISTRY OF COMMUNICATIONS
SANCHAR BHAWAN, 20 ASHOKA ROAD
NEW DELHI- 110001

.....DEFENDANT NO.11

12. MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
GOVERNMENT OF INDIA, ELECTRONICS NIKETAN,
6, CGO COMPLEX,
LODHI ROAD, NEW DELHI – 110003

.....DEFENDANT NO.12

13. ASHOK KUMAR

.....DEFENDANT NO.13

*(Through: Mr.Varun Pathak and Ms.Prasidhi Agrawal, Advocate
for D-9.*

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Ms.Ekta Sharma and Ms. Surabhi Katare, Advocates for D-10.)

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. This suit is filed on behalf of the plaintiffs *inter alia* seeking for a decree of permanent injunction restraining infringement of plaintiffs' personality rights as well as restraining infringement of the registered trademarks of plaintiff no.2, misappropriation of goodwill, unfair trade practices with other ancillary reliefs.
2. Mr. Sidharth Chopra, learned counsel appearing on behalf of the plaintiffs, submits that the suit was entertained and a detailed interim order was passed on 28.11.2024. He submits that the plaintiffs, at this stage, do not seek any damages or costs. The suit, therefore, according to him, can be disposed of bearing in mind the overall facts and circumstances and the nature of the reliefs as the plaintiffs had initially sought.
3. Plaintiff no.1 claims to be a renowned cardiac surgeon and philanthropist with over four decades of experience, and the founding chairman of plaintiff no.2, i.e., Narayana Hrudayalaya Ltd., a public company incorporated in the year 2000 under the Companies Act, 1956.
4. Plaintiff No. 2 is stated to operate a network of hospitals, heart centres and primary care facilities across India, with an international presence in the Cayman Islands. It is averred that plaintiff no.1 has performed over 15,000 heart surgeries, has been conferred the Padma Shri in the year 2004 and the

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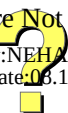
Padma Bhushan in the year 2012, and has been associated with several expert bodies advising the Government on healthcare policy. On the strength of these averments, the plaintiffs claim that the name, image, voice, likeness and other attributes of the persona of plaintiff no.1 have come to be identified exclusively with him.

5. Plaintiff No. 2 claims to have adopted the mark 'NARAYANA HRUDAYALAYA' upon its incorporation in the year 2000 and the mark 'NARAYANA HEALTH' in April, 2001. It is stated that plaintiff no.2 is the registered proprietor of several word and device marks, including the 'N-1' device marks, in Classes 5, 10, 41 and 44. The plaint also discloses the revenue and the advertisement and publicity expenditure of plaintiff no.2 for the financial years 2019-20 to 2023-24 in support of its claim to goodwill and reputation.

6. The grievance of the plaintiffs is that defendant nos.1 to 8, along with unknown persons arrayed as defendant no.13, have been creating and circulating fabricated audio-visual content on social media platforms by using the name, image, voice and likeness of plaintiff no.1, including through artificial intelligence tools and deepfake technology. Defendant nos.1 to 3 are Facebook pages whose operators are not identifiable.

7. Defendant no.1 is alleged to have posted a video dated 05.04.2024, styled as a news telecast, depicting plaintiff no.1 as promoting a drug claimed to cure Type II diabetes. Defendant no.2 is alleged to have posted a video dated 12.04.2024 depicting plaintiff no.1 as having formulated a drug for high blood pressure. Defendant no.3 is alleged to have circulated a video in which plaintiff no. 1 is promoting an alternative treatment for hypertension, which also displayed the registered 'N-1' device mark of

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plaintiff no.2. The plaintiffs have placed on record an email dated 08.11.2024 received by the Chief Marketing Officer of plaintiff no.2 from a member of the public, enquiring about the authenticity of the said video and expressing an interest in trying the medication on the footing that it was backed by a renowned doctor.

8. Defendant nos.4 to 8 are stated to be operators of YouTube channels which have uploaded videos in Bengali and Hindi purporting to give health advice attributed to plaintiff no.1, in some instances by extracting and voicing over clips from his earlier public interviews. Defendant no.4 is alleged to have used the 'N-1' device mark of plaintiff no.2, and defendant no.5 is alleged to have used the mark 'Narayana Health' as a hashtag. Defendant no.9/Meta Platforms Inc. and defendant no.10/Google LLC are the platforms on which the impugned content was hosted, whereas defendant no.11/Department of Telecommunications and defendant no.12/Ministry of Electronics and Information Technology have been impleaded for the effective implementation of blocking directions.

9. The plaintiffs, therefore, contend that the impugned content not only infringes the personality and publicity rights of plaintiff no.1 and the registered trademarks of plaintiff no.2, but, since it either promotes purported medicines or disseminates unverified medical advice in the name of a cardiac surgeon, it also poses a serious risk to public health.

10. This Court, *vide* order dated 28.11.2024, while issuing summons in the suit, granted an *ex parte ad interim* injunction in favour of the plaintiffs and issued various interim directions. Paragraph no.45 of the said order is extracted as under:-

"45. Accordingly, till the next date of hearing, the following directions are

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issued:-

I. The defendant nos. 1 to 8 and 13, their associates, partners, directors, principal officers, family members, servants, agents, or anyone acting for and on their behalf from directly or indirectly, are restrained from misusing, misappropriating or exploiting the name, likeness, image, photos, videos, or any other aspects of plaintiff no. 1's persona, which are solely and exclusively associated and identified with him for any commercial and/or personal gain, in any manner whatsoever, without the plaintiff no. 1's express written authorization, including, through the use of any existing or future technology such as Artificial Intelligence, deep fake technology in any medium, format or platform, resulting in infringement/passing off of personality and publicity rights of the plaintiff no. 1.

II. Defendant Nos. 1 to 8 and 13, their associates, partners, directors, principal officers, family members, servants, agents, or anyone acting for and on their behalf, are restrained from infringing the registered trademarks of plaintiff no. 2 such as

NARAYANA HRUDAYALAYA/



III. Directions are issued to defendant no. 9 to block/take down the contents of defendant nos. 1 to 3 and also disclose complete details such as name, address, email, phone numbers, etc., of defendant nos. 1 to 3 available with it, in accordance with law, of the following URLs:

- i. <https://www.facebook.com/61555851951123/videos/336182256121043>
- ii. <https://www.facebook.com/100072105331610/videos/1162588551302701>
- iii. https://www.facebook.com/61560680894911/videos/443901908464939/?extid=WA-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=2Rb1fB

IV. Defendant no. 10 i.e., Google LLC is directed to block/ take down the impugned content/channel of defendant nos. 4 to 8 and also disclose complete

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details such as name, address, email, phone numbers, etc., of defendant nos. 4 to 8 available with it, in accordance with law, of the following URLs:

- i. <https://www.youtube.com/@SudinAsbei>
- ii. https://www.youtube.com/watch?v=0PaCrCln_AQ
- iii. <https://www.youtube.com/watch?v=waX6xIg30q4>
- iv. <https://www.youtube.com/watch?v=YvRWwWUWrC>
- v. <https://www.youtube.com/watch?v=gwdt-OG1Sw0>
<https://www.youtube.com/watch?v=NLpaA2UuNCc>

V. In case, the plaintiffs during the pendency of the suit discovers any more false, fake and infringing videos not originating from or associated with the plaintiffs, the plaintiff shall be at liberty to approach defendant nos. 9 and 10 requesting them to block/take down any such post/video/text or any material, which is published on its platforms or utilizing its platforms. In case, defendant nos. 9 and 10 raise any doubt, the plaintiff shall be at liberty to approach this Court, for appropriate orders.

VI. Defendant nos. 11 and 12 are directed to issue necessary notifications/directions to all telecom and internet service providers to block/suspend the websites, as identified during the course of the present suit, that are found to be violating the rights of the plaintiffs.”

11. On the same date, learned counsel appearing on behalf of defendant no.5 submitted that defendant no.5 was ready to remove the incriminating videos and shall not upload the same. The said statement was taken on record and defendant no.5 was held bound by the same.

12. It remains undisputed that the directions contained in the order dated 28.11.2024 have been duly complied with by the defendants/intermediaries. [Defendant nos.1 to 8, despite service, have not filed their written statements, and their right to do so stands closed. Defendant no.13 is a John Doe. There is, thus, no contesting defendant before this Court.

13. The Supreme Court in **C.N. Ramappa Gowda v. C.C.**

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Chandregowda,¹ has explained that the power of the Court to pronounce judgment where the written statement has not been filed is meant to expedite the disposal of the suit and is not penal in nature. At the same time, the Court has cautioned that a decree should follow only when no fact remains which needs to be proved at the instance of the plaintiff. The relevant observations read as under:-

“25. We find sufficient assistance from the apt observations of this Court extracted hereinabove which has held that the effect of non-filing of the written statement and proceeding to try the suit is clearly to expedite the disposal of the suit and is not penal in nature wherein the defendant has to be penalised for non-filing of the written statement by trying the suit in a mechanical manner by passing a decree. We wish to reiterate that in a case where written statement has not been filed, the court should be a little more cautious in proceeding under Order 8 Rule 10 CPC and before passing a judgment, it must ensure that even if the facts set out in the plaint are treated to have been admitted, a judgment and decree could not possibly be passed without requiring him to prove the facts pleaded in the plaint.

26. It is only when the court for recorded reasons is fully satisfied that there is no fact which needs to be proved at the instance of the plaintiff in view of the deemed admission by the defendant, the court can conveniently pass a judgment and decree against the defendant who has not filed the written statement. But, if the plaint itself indicates that there are disputed questions of fact involved in the case arising from the plaint itself giving rise to two versions, it would not be safe for the court to record an ex parte judgment without directing the plaintiff to prove the facts so as to settle the factual controversy. In that event, the ex parte judgment although may appear to have decided the suit expeditiously, it ultimately gives rise to several layers of appeal after appeal which ultimately compounds the delay in finally disposing of the suit giving rise to multiplicity of proceedings which hardly promotes the cause of speedy trial.”

14. A coordinate bench of this Court in **Nirog Pharma Pvt. Ltd. v. Umesh Gupta**,² while dealing with a commercial suit, has struck the balance in the following words:-

¹(2012) 5 SCC 265.

²(2016) 235 DLT 354.



“11. Order VIII Rule 10 has been inserted by the legislature to expedite the process of justice. The courts can invoke its provisions to curb dilatory tactic, often resorted to by defendants, by not filing the written statement by pronouncing judgment against it. At the same time, the courts must be cautious and judge the contents of the plaint and documents on record as being of an unimpeachable character, not requiring any evidence to be led to prove its contents.

xxx xxx xxx

28. The present suit is also a commercial suit within the definition of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 and it was the clear intention of the legislature that such cases should be decided expeditiously and should not be allowed to linger on. Accordingly, if the defendant fails to pursue his case or does so in a lackadaisical manner by not filing his written statement, the courts should invoke the provisions of Order VIII Rule 10 to decree such cases.”

15. Equally, where the plaint is verified and supported by an affidavit and the documents relied upon are already on record, this Court has consistently held that no useful purpose is served by requiring the plaintiff to lead *ex parte* evidence, which would merely restate the contents of the plaint. In **Satya Infrastructure Ltd. v. Satya Infra & Estates Pvt. Ltd.**,³ it was observed as under:-

“5. I am of the opinion that no purpose will be served in such cases by directing the plaintiffs to lead ex parte evidence in the form of affidavit by way of examination-in chief and which invariably is a repetition of the contents of the plaint. The plaint otherwise, as per the amended CPC, besides being verified, is also supported by affidavits of the plaintiffs. I fail to fathom any reason for according any additional sanctity to the affidavit by way of examination-in-chief than to the affidavit in support of the plaint or to any exhibit marks being put on the documents which have been filed by the plaintiffs and are already on record. I have therefore heard the counsel for the plaintiffs on merits qua the relief of injunction.”

16. The two lines of authority do not pull in different directions. The caution expressed in **C.N. Ramappa Gowda** (supra) is directed against a

³2013 SCC OnLine DEL 508.



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decree founded upon a plaint which itself throws up two versions of the facts. Where, however, the plaint and the documents are of an unimpeachable character, and the defendants, despite having suffered an injunction, have chosen not to put forth any version at all, the caution stands satisfied and the Court may proceed on the basis of the pleadings and the material on record.

17. Applying the aforesaid principles, the plaint in the present case is duly verified and is supported by the affidavits on behalf of the plaintiffs. The impugned content has been placed on record, including in electronic form in terms of Rule 24 of Chapter XI of the Delhi High Court (Original Side) Rules, 2018, as permitted *vide* order dated 28.11.2024. The material is, by and large, self-speaking. The impugned videos do not originate from plaintiff no.1, they attribute to him statements which he never made, and they employ his name and likeness, and in some instances the registered marks of plaintiff no.2, to lend credibility to purported medicines and medical advice.

18. None of the defendants has come forward to suggest otherwise. In the absence of any written statement or affidavit of admission/denial of documents, the averments made in the plaint have to be taken as admitted, and the documents filed therewith stand deemed to be admitted in terms of Rule 3 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018. Consequently, no disputed question of fact arises from the plaint which would warrant a trial.

19. On merits, the personality and publicity rights of a well-known individual, comprising his name, image, voice, likeness and other indicia of his persona, have consistently been recognised and protected by this Court,



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particularly against misuse through artificial intelligence and deepfake technology. In **Anil Kapoor v. Simply Life India & Ors.**,⁴ this Court, while decreeing the suit against the non-contesting defendants on the basis of the pleadings and the documents on record, observed as under:-

“9. In view of the above discussion and in absence of any defence on behalf of the said Defendants, the Court has proceeded to adjudicate the present suit against the afore-noted Defendants on the basis of the pleading and documents on record. The evidence exhibits the reprehensible manner in which the Defendants’ activities blatantly misuse the Plaintiff’s name, likeness, image, persona, etc. Such actions undoubtedly result in the tarnishment and damage to the Plaintiff’s reputation, while also infringing on his right to privacy and personality rights. Therefore, the Court concurs with the observations made in order dated 20th September, 2023, that such misuse cannot be permitted, and therefore the Plaintiff is entitled to a decree of permanent injunction to that effect.”

20. The standing of plaintiff no.1 in the field of cardiac surgery is borne out from the record, and he is clearly identifiable in the impugned content. More significantly, the misuse in the present case is not confined to the commercial appropriation of the persona of a well-known individual. The impugned content attributes to a cardiac surgeon claims of cures for diabetes, hypertension and other cardiac ailments which he never made. The resultant harm, therefore, does not stop at the reputation of plaintiff no.1, but extends to members of the public who may act upon such content, as is evident from the email dated 08.11.2024 placed on record.

21. Insofar as plaintiff no.2 is concerned, the use of its registered marks, including the ‘N-1’ device mark and the mark ‘Narayana Health’, in the impugned content, without any license or authorisation, is evidently intended to suggest an association with plaintiff no.2 and its healthcare

⁴CS(COMM) 652/2023, order dated 30.04.2024.



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services, and amounts to infringement of its registered trademarks within the meaning of Section 29 of the Trade Marks Act, 1999.

22. That apart, the interim relief granted by this Court has been fully availed by the plaintiffs, and none of the defendants has come forward to dispute the reliefs sought. In **Global Health Limited & Anr. v. Mr. Denish P Kalariya & Ors.**,⁵ where the defendants had complied with the injunction order and the relief prayed for remained unopposed, this Court decreed the suit for trademark infringement, observing as under:-

“8. Essentially, the interim relief granted by the Court has been fully availed by the plaintiff, and as of now, there does not seem to be any infringement of the plaintiff’s trade mark. The relief prayed for by the plaintiff also has not been disputed/ opposed by the sole contesting defendant.

9. In view of the aforesaid, the present application is allowed and the civil suit stands decreed in terms of prayers (a) to (c).”

23. A similar course was adopted by a Coordinate Bench of this Court in **Rajat Sharma & Anr. v. Tamara Doc & Ors.**,⁶ which concerned deepfake videos of a well-known journalist and the infringement of the INDIA TV trademarks. The suit was decreed against the non-contesting defendants, and the plaintiffs were granted liberty to seek a declaration of their marks as well-known in a subsequent suit.

24. In the present case as well, the interim directions have been complied with, defendant no.5 is bound by its statement not to upload the impugned content, and none of the defendants has chosen to contest the suit. The Court, therefore, does not find any difficulty in confirming the interim order dated 28.11.2024 and decreeing the suit.

⁵2026:DHC:8427.

⁶CS(COMM) 1147/2024, order dated 24.08.2026.



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25. However, the plaintiffs also pray for additional directions to defendant no.9/Meta Platforms Inc. and defendant no.10/Google LLC to take corrective measures in case the plaintiffs come across any subsequent URLs and content of a similar nature, which is the subject matter of the instant suit. Essentially, the prayer of the plaintiffs is to prevent any third party from directly or indirectly misusing, misappropriating or exploiting the name, likeness, image, voice, photos, videos or any other aspect of the persona of plaintiff no.1. According to the plaintiffs, the same would amount to infringement of the personality and publicity rights of plaintiff no.1 and/or the registered trademarks of plaintiff no.2. Bearing in mind that content of this nature can be generated and re-uploaded with little effort and under fresh identities, there does not seem to be any difficulty in accepting the said prayer. A similar liberty was granted in **Rajat Sharma** (*supra*), paragraph no.11 of which is extracted as under:-

“11. Plaintiffs shall be at liberty to approach Defendant No. 9/Meta Platforms Inc. and Defendant No. 17/Google LLC, copying their respective counsels on record with the relevant details of any subsequent discovered URLs and/or content as applicable, relating to subject matter of the present suit including direct or indirect misuse, misappropriation or exploitation of the name, likeness, image, voice, photos, videos or any other aspect of Plaintiff No. 1’s persona, which amounts to infringement of his personality and publicity rights and/or his copyright and trademark. Plaintiffs shall provide the concerned Defendant(s) with supporting particulars/documents demonstrating that such URLs and/or content, as applicable, form the subject matter of the present suit, on an affidavit. Upon receiving such request with details of relevant URL(s) and/or content, as applicable, the concerned Defendant(s) shall independently examine and evaluate Plaintiffs’ request and act in terms of their respective policies. Concerned Defendant(s) shall acknowledge the request within 24 hours and take action within 36 hours thereafter. In case, the concerned Defendant(s) does not act upon the request made, Plaintiffs shall be at liberty to approach the Court to seek appropriate directions in that regard.”

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26. Insofar as prayer (f), seeking a declaration of the marks of plaintiff no.2 as well-known trademarks within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999, is concerned, such a declaration would require an examination of the factors enumerated under Section 11(6) of the said Act, which has not been undertaken in the present proceedings. The rights of the plaintiffs *qua* prayer (f) are, therefore, reserved.

27. In view of the foregoing discussion, the interim order dated 28.11.2024 is made absolute, and the suit is decreed in favour of the plaintiffs in the following terms:-

27.1 A decree of permanent injunction is passed in favour of the plaintiffs and against defendant nos.1 to 8 and 13 in terms of prayers (a), (b) and (c) of paragraph no.91 of the plaint.

27.2 The directions issued to defendant nos.9 to 12 in paragraph no.45 (III), (IV) and (VI) of the order dated 28.11.2024 are made absolute.

27.3 The plaintiffs shall be at liberty to approach defendant no.9/Meta Platforms Inc. and defendant no.10/Google LLC, copying their respective counsel on record, with the relevant details of any subsequently discovered URLs and/or content relating to the subject matter of the present suit, including direct or indirect misuse, misappropriation or exploitation of the name, likeness, image, voice, photos, videos or any other aspect of the persona of plaintiff no.1, which amounts to infringement of his personality and publicity rights and/or the registered trademarks of plaintiff no.2. The plaintiffs shall provide the concerned defendant(s) with supporting particulars/documents, on an affidavit, demonstrating that such URLs



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and/or content form the subject matter of the present suit. Upon receiving such request, the concerned defendant(s) shall independently examine and evaluate the same and act in terms of their respective policies. In case the concerned defendant(s) do not act upon the request, the plaintiffs shall be at liberty to approach this Court to seek appropriate directions.

27.4 Prayers (g) and (h), seeking damages and costs, are dismissed as not pressed.

28. Let the decree sheet be drawn up accordingly.

29. The suit stands disposed of, along with the pending application(s).

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

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