



\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 6/2025 & I.A. Nos. 211/2025, 212/2025, 213/2025,
214/2025 & 215/2025

GLOBAL HEALTH LIMITED AND ANRPlaintiffs

Through: Ms. Shyel Trehan, Senior Advocate
with Ms. Manjira Dasgupta,
Mr. Bhargav R. Thali and
Mr. Vignesh Raj, Advocates.
(M): 9818408503
Email: dasgupta.manjira@gmail.com

versus

JOHN DOE AND ORSDefendants

Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
08.01.2025

%

I.A. 214/2025 (Exemption from filing clear copies of documents)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiffs, seeking exemption from filing clear copies of the documents/proper margin/underline/single line spacing of the annexures filed with inadequate margins or without official translations of documents and for filing lengthy synopsis and list of dates.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiffs shall file legible, clear, and translated copies of the



documents, on which the plaintiffs may seek to place reliance, before the next date of hearing.

4. Accordingly, the present application is disposed of.

I.A. 212/2025 (Exemption from instituting Pre-Institution Mediation)

5. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar Versus T.K.D. Keerthi*, 2023 SCC OnLine SC 1382, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption from attempting Pre-Institution Mediation, is granted.

7. Accordingly, the application stands disposed of.

I.A. 215/2025 (Exemption from advance service to the defendant no. 1)

8. The present is an application under Section 151 CPC, seeking exemption from advance service to defendant no. 1.

9. The plaintiffs seek urgent interim relief. Therefore, in the peculiar facts and circumstances of this case, exemption from effecting advance service upon the defendant no. 1, is granted.

10. For the reasons stated in the application, the same is allowed and disposed of.

I.A. No. 213/2025 (Application seeking extension of time to file Court Fees)

11. The present application has been filed under Sections 148 and 149, read with Section 151 CPC, seeking extension of time to file Court Fees.



12. Learned Senior Counsel appearing for the plaintiffs submit that Court Fees shall be filed within a period of two weeks.

13. Liberty is so granted.

14. Noting the aforesaid, the present application is disposed of.

CS(COMM) 6/2025

15. Let the plaint be registered as suit.

16. Upon filing of the process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiffs' documents, without which, the written statement shall not be taken on record.

17. Liberty is given to the plaintiffs to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiffs, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiffs, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

18. List before the Joint Registrar (Judicial) for marking of exhibits, on 12th March, 2025.

19. List before the Court on 26th May, 2025.

I.A. 211/2025 (Application under Order XXXIX Rules 1 and 2 CPC)

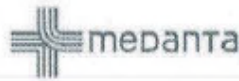
20. The present suit has been filed for injunction seeking to take down fabricated/deep fake video restraining infringement of personality and publicity rights, damages for loss of reputation and infringement of



trademarks and/or passing off.

21. Learned counsel appearing for the plaintiffs submits that the present suit has been preferred by the plaintiffs against the defendants, owing to the continued publication and circulation of a series of fabricated/deep fake videos, the most recent being published on 16th December, 2024 (and which came to the knowledge of the plaintiffs only on 23rd December, 2024), featuring plaintiff no. 2, Dr. Naresh Trehan, a world renowned Cardiothoracic Vascular Surgeon and the Chairman of the Heart Institute of Medanta, The Medicity Hospital, Gurugram. In the deep fake videos, the plaintiff no. 2 is shown giving medical advice and propagating natural remedies to cure problems in the field of Urology.

22. It is submitted that some of the videos prominently feature the name of Medanta Hospitals that displays the word mark “MEDANTA” and design



mark which is the intellectual property of the plaintiffs. The deep fake videos have been made using artificial intelligence, photo-shopping and voice-over techniques to create a delusion that the purported videos feature plaintiff no. 2. The said fabricated videos are gaining widespread audience from innocent viewers who believe the content is spoken by plaintiff no. 2.

23. It is submitted that plaintiff nos. 1 and 2 are renowned for delivery of advanced and high quality end-to-end healthcare in Delhi, Gurugram, Indore, Ranchi, Patna and Lucknow through its network of five hospitals, six Mediclinics, diagnostic laboratories, home-care and telemedicine services under the brand name “MEDANTA” since 2009 and hold a



reputation worldwide, as well.

24. It is further submitted that the plaintiffs endeavor to deliver advanced medical services to patients. Owing to the high quality medical and healthcare services provided by the plaintiffs, the trademark “MEDANTA” has become a household name across India and abroad, synonymous with the medical and healthcare services being provided by the plaintiffs.

25. It is submitted that by virtue of regular, continuous and uninterrupted usage, widespread promotion and exceptional healthcare services across the country and abroad, the said brand name and marks have acquired formidable goodwill and reputation alongside widespread consumer recognition and knowledge. The members of public and trade recognize the said names and marks and associate them solely with the plaintiffs.

26. It is further submitted that the mark “MEDANTA”



and allied marks of the plaintiffs are registered for the following Classes, namely 5, 10, 39, 42, 43 and 44, for delivery of healthcare and allied services. The plaintiffs enjoy both common law rights as well as statutory rights in the “MEDANTA” trademarks/word-mark and other formative marks, under the Trade Marks Act, 1999.

27. It is submitted that the plaintiff no. 1 is a publicly listed Company incorporated under the Companies Act, 1956, of which, plaintiff no. 2 is the Founder, Managing Director, Chairman and the single largest shareholder. Plaintiff no. 2 has served as the personal surgeon to the President of India since 1991 and is the recipient of numerous awards, including the Padma Shri, Padma Bhushan, Lal Bahadur Shastri National Award, Dr. B. C. Roy



Award for 'Eminent Medical Person', amongst various others. On account of his vast reputation, extensive contribution as a surgeon in the field of medicine, plaintiff no. 2 has acquired worldwide recognition and goodwill.

28. It is submitted that plaintiff no. 2 is in his own right, has a valid and enforceable personality right. As such, the plaintiff no. 2 satisfies the dual test of personality rights, viz. having a valid and enforceable personality right on account of being a well-known reputed personality and the same is clearly identifiable in the infringing content uploaded by the defendant nos. 1 and 2 on social media. Hence, the said defendants' unauthorized usage of the plaintiff no. 2's image, likeness, videos, etc. for commercial gains and unjust enrichment, are not only at the cost of the plaintiff no. 2, but more importantly, to the detriment of the members of the public, as also, in violation of the plaintiff no. 2's personality rights under law.

29. It is submitted that there have been several instances of deep fake videos of plaintiff no. 2 featuring plaintiff no. 1 being circulated on social media and WhatsApp groups, which have come to the notice of the plaintiffs recently. The intent of such posts is to deceive and mislead the public at large by promoting usage and sale of unapproved and uncertified medicines and natural remedies, towards illicit commercial gains of third parties, by misusing the repute and goodwill gathered by the plaintiffs on account of their contribution in the field of medicine, especially, plaintiff no. 2, as he is a personality in his own right/on his merit.

30. It is further submitted that the plaintiff no. 2 is falsely shown to have developed the natural remedies/products. The plaintiff no. 2 has never given any such interview/has recorded any such video, made such claims/statements, nor has he ever endorsed any such medicine/natural



remedy/(ies).

31. It is submitted that the deep fake videos are totally fallacious and deceptive as the problems targeted in these deceptive videos, i.e., Prostatitis (i.e. Swelling of the Prostate Gland in males), and Erectile Dysfunction (i.e. impotency/sexual dysfunction in males), are treated by Urologist under the Urology specialty. The plaintiff no. 2 is a cardio-thoracic surgeon and does not advise on/treat diseases that fall under the Urology specialty.

32. It is further submitted that the plaintiffs became aware on 23rd December, 2024, that an unidentifiable third party is operating the Facebook page “Maria Ideas” on defendant no. 2’s social media platform. The said page had published a deep fake video on 16th November, 2024. The said page has about 2,000 followers and is liked by over 1,400 persons. The said page does not disclose their owner and the contact details given do not work. The page seems to show that it originates in Kyiv, Ukraine. The link to the deep fake Video, as given in the plaint, is reproduced as under:

Sl. No.	Name of the Page	Web link
1.	Maria Ideas	https://www.facebook.com/61565184815734/videos/1084097423498058/?rdid=F3wyJ63lQrykOuvb

33. It is submitted that the pages created are fraudulent and misrepresentative in nature. The said videos purport to provide a remedy to issues concerning Urology. The videos have received wide circulation, and have been liked by 6400 accounts and viewed over 1.1 million times.

34. It is further submitted that all the said deep fake videos on Facebook have used Artificial Intelligence technology, photo-shopping and voice-over techniques to manipulate existing videos of the plaintiff no. 2. The *malafide*



intent of the defendant no. 1 to deceive the members of the public, is evident not only from the unauthorized use of plaintiff no. 2's image, video and likeness, but also from the fact that excerpts from plaintiff no. 2's prior videos have been deliberately distorted and doctored into such infringing content to suggest an association between the plaintiff no. 2 and the said defendant.

35. It is submitted that the overall appearance of the fraudulent videos deceive and mislead the viewers in a manner that plaintiff no. 2, Chairman of the Heart Institute and Chief Cardiac Surgeon of Medanta –The Medicity Hospital, is promoting a cure on problems related to Urology, which is essentially only treated by doctors of the Urology specialty.

36. It is further submitted that the use of the face and voice of plaintiff no. 2 and visibility of mark/label of plaintiff no. 1 is fraudulent and deliberate, with the sole intention of misleading and misguiding the public at large about medical conditions relating to Urology and its cure without any certified medical data proving the same and infringing upon the rights and goodwill that have accrued in favor of the plaintiffs. Therefore, the publishing of the fraudulent video using the image, earlier video and voice of plaintiff no. 2 with word-mark and logo of the plaintiffs on the platforms of defendant nos. 2 and 3, is completely *malafide* and with an ulterior motive. This is a clear attempt by defendants to mislead, misguide and deceive viewers and obtain an unfair advantage in the market with the intent to infringe upon the plaintiffs' goodwill, reputation and trademark by passing off the video as an endorsement/promotion/advise on problems related to inflammation of the prostate gland being made by plaintiffs.

37. It is submitted that the plaintiffs are seeking the removal, deletion and



taking down of Facebook pages infringing upon the plaintiffs' likeness, trademark and for passing off, as well as for misrepresenting to the public at large that certain medications are endorsed by the plaintiffs. The illegal acts complained of, consist of wrongful circulation and/or publication of false and misleading advertisements on social media platforms owned, operated and controlled by defendant no. 2 featuring fabricated videos of the Chairman and Managing Director of plaintiff no. 1 with voice-over to imitate the voice of plaintiff no. 2.

38. It is further submitted that the aforesaid illegal acts could have severe consequences, including, but not limited to distribution and ingestion of spurious medication/drugs purported to be endorsed by the plaintiffs. The continued circulation and/or publication of the false and misleading advertisements and medical advice depicting the plaintiffs' trademarks in the background and featuring the plaintiff no. 2, as well as the creation of false Facebook profiles/pages, will have disastrous consequences on the public at large. The widespread circulation of such videos, whereby, uncertified and unverified drugs are being purchased and consumed by the general public poses a significant threat to the public health. Further, these videos lack any credible medical oversight, can mislead individuals into using substances that are not only potentially ineffective, but also extremely dangerous. Consuming such drugs/medicines/remedies without proper verification or certification exposes users to unimaginable risks, including adverse reactions and long-term health consequences. It is essential to regulate and prevent the dissemination of such content to safeguard the well-being of the general public. Therefore, the plaintiffs' have approached this Court to intervene in order to protect the public at large against such abusive and



unfair practices and for the plaintiffs’ to safeguard their rights and interests, including, their goodwill and reputation.

39. It is submitted that the infringing actions, if permitted to be continued, would result in immense financial and reputational loss to the plaintiff, and hamper its standing as a leading multi-specialty tertiary care hospital chain in India. The infringing actions could also have serious consequences to public health. For convenience a table consisting of all infringing links, is reproduced as under:

S.No.	Date	Name	HyperLink	Complaints	Status as on 08.12.2025
1.	24.09.2024	स्वस्थ भारत	https://www.facebook.com/profile.php?id=61555835546127	<ul style="list-style-type: none"> - Complaint dated 24.09.2024 with Cyber Cell, Gurugram at page 203, Index IV - Complaint with Defendant No. 2 dated 27.09.2024 at page 210, Index IV 	INACTIVE
2.	25.10.2024	BILLIOKUSS 93	https://www.facebook.com/61567072096629/posts/8605386232889375/?rldid=XC NZBfxBaLAEixAa#	<ul style="list-style-type: none"> - Complaint dated 01.11.2024 with Cyber Cell, Gurugram at page 92, Folder IV - Complaint dated 06.11.2024 with Defendant No.2 at page 96 & 97, Folder IV 	ACTIVE
3.	11.11.2024	BACKPOTIN	https://backpotin.com	<ul style="list-style-type: none"> - Complaint dated 11.11.2024 with Cyber Cell, Gurugram 	INACTIVE



				at page 171, Folder IV	
4.	14.11.2024	BACKPOTIN	https://backpotin.com	- Complaint dated 14.11.2024 with Cyber Cell, Gurugram at page 186, Folder IV	
5.	14.11.2024	توبوتا	https://www.facebook.com/61559176704385/videos/3709549239306445/?rldid=JxaM7S8oUnX1bnMz	- Complaint dated 18.11.2024 with Cyber Cell, Gurugram at page 104, 106, Folder IV - Complaint dated 18.11.2024 with Defendant No.2 at page 112, Folder IV	INACTIVE
6.	16.12.2024	MARIA IDEAS	https://www.facebook.com/61565184815734/videos/1084097423498058/?rldid=F3wyJ63lQrykOuvb	- Complaint dated 23.12.2024 with Cyber Cell, Gurugram at page 79, Folder IV - Complaint dated 23.12.2024 with Defendant No.2 at page 85 & 86, Folder IV	INACTIVE

40. It is further submitted that due to the unique and peculiar nature of internet, lack of geographical boundaries and regulations, unstructured nature of the internet industry and the ease with which detection can be avoided on the internet, the plaintiffs are compelled to initiate the present suit proceedings against unknown persons publishing deep fake videos on Facebook, which is owned and operated by defendant no. 2. The identity of defendant no. 1 is not known at the time of the institution of the suit.

41. It is submitted that the defendant no. 1 has unauthorizedly and deliberately used, imitated, misappropriated and exploited the intellectual property rights of the plaintiffs and personality rights of plaintiff no. 2.



Further, the plaintiffs have not given any rights/license to the defendants to use the said intellectual property rights and personality rights. It is further submitted that the misappropriation of any attribute of plaintiff no. 2's personality rights, without his express permission, especially, for a commercial purpose, is liable to be restrained not only for violation of personality rights, but also on account of dilution, tarnishing and erosion of plaintiff no. 2's goodwill.

42. It is further submitted that the unauthorized use of the plaintiffs' intellectual property by the defendant nos. 1 and 2 constitutes blatant infringement and/or passing off under Section 29 of the Trade Marks Act, 1999.

43. In the above circumstances, the plaintiffs have demonstrated a *prima facie* case for grant of injunction and, in case, no *ex parte ad interim* injunction is granted, the plaintiffs will suffer an irreparable loss. Further, balance of convenience also lies in favour of the plaintiffs, and against the defendants.

44. Accordingly, till the next date of hearing, the following directions are issued:

I. Defendant no.1 or any person acting for or on their behalf, are directed to remove/delete/take down/disable the pages and/or profiles/accounts and/or videos and/or contents and/or social media groups and/or channels, details of which, have been reproduced in the present order, within 24 hours. In case, the requisite action is not taken by defendant no.1, then, defendant nos. 2 to 4 are directed to remove/delete/takedown the videos, as per details given in the present order, within 36 hours from the receipt of the court order.



II. In case, the plaintiffs during the pendency of the present suit, discover any more false/fake and deep fake videos, not originating or associated with the plaintiffs, the plaintiffs shall be at liberty to approach the defendant nos. 2 to 4 requesting them to block/take down, within 36 hours, any such post/video/text or any material, which is published on its platforms, or utilizing its platforms. In case, defendant nos. 2 to 4, raise any doubts, the plaintiffs shall be at liberty to approach this Court, for appropriate orders.

III. The defendant nos. 2 to 4 are directed to disclose on affidavit before this Court, all details, including, name, address, email address, contact details, organization and associations, URL, IP address etc. associated to the videos, details of which have been given in the present order.

45. Issue notice to the defendants by all permissible modes, upon filing of the Process Fee, returnable on the next date of hearing.

46. Let reply be filed within a period of four weeks.

47. Rejoinder thereto, if any, be filed within two weeks, thereafter.

48. Compliance of Order XXXIX Rule 3 CPC, be done, within a period of one week.

49. List before the Court on 26th May, 2025.

MINI PUSHKARNA, J

JANUARY 8, 2025

c