



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO.20631 OF 2025
IN
COMM IPR SUIT (L) NO.20577 OF 2025

Sonu Nigam

...Applicant /
Plaintiff

Versus

Sonu Nigam Singh & Ors.

...Defendants

Mr. Hiren Kamod with Mr. Janay Jain, Ms. Monisha Mane, Mr. Chandrajit Das and Mr. Prem Khullar i/b. Parinam Law Associates for the Applicant / Original Plaintiff.

CORAM : R.I. CHAGLA J.

DATE : 11TH JULY, 2025.

ORDER :

1. Mr. Kamod seeks to move without notice to the Defendants for the reasons set out in paragraph 72 of the Plaint. I find that sufficient averments and disclosures are made in the Plaint to sustain the ex-parte application.

JITENDRA
SHANKAR
NIJASURE

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2. In the present suit, the Plaintiff is seeking protection of his

personality rights viz. his own name, image, photograph, likeness, and persona, against misrepresentation, misuse of all hues thereof and unauthorized / unlicensed commercial exploitation, including over the internet, by the Defendant No. 1 in addition to committing act of misrepresentation - the tort of passing off. The Plaintiff is also seeking protection of his right to freedom of speech and expression and right to privacy which are guarded under Articles 19 and 21 of the Constitution of India.

3. It is stated that the Plaintiff is an internationally renowned celebrity, artist, playback singer, composer, and live performer, whose contributions to music and especially the Indian music industry span over three decades. It is stated that the Plaintiff has achieved immense success, goodwill and reputation as a singer due to his notable contributions to the music industry in India as well as abroad. It is stated that The Plaintiff's musical oeuvre covers a broad spectrum — from soulful romantic ballads and Sufi compositions to high-energy party anthems. It is stated that the Plaintiff's iconic tracks which include "Main Agar Kahoon," "Kal Ho Naa Ho," "Abhi Mujh Mein Kahin," "Suraj Hua Maddham," and "Mere Haath Mein," among others, have all

achieved chart-topping success. It is stated that the repertoire of songs / sound recordings sung by the Plaintiff as well as videos of the Plaintiff performing such songs / recordings are available and are incredibly popular across all major streaming platforms including, but not limited to, popular platforms such as YouTube, Spotify, Gaana, Apple Music, Jio Saavn and Prime Music hosted on www.youtube.com, www.spotify.com, www.gaana.com, www.applemusic.com, www.jiosaavn.com, and www.music.amazon.in, respectively. It is stated that the songs / sound recordings / videos forming part of the Plaintiff's repertoire have received several million plays / views, as more particularly set out in paragraph 8 of the Complaint, thus demonstrating the immense popularity thereof as well as of the Plaintiff.

4. A non-exhaustive list of songs which have been sung by the Plaintiff as available on the online music streaming platform 'Spotify' is at Exhibit "A" to the Complaint. Screenshots from the aforesaid streaming platforms showing particulars of the videos / sound recordings/ clips forming part of the Plaintiff's repertoire as available on various platforms are at Exhibit "B" and "E" to the Complaint. Details of the Plaintiff as available online

on the internet encyclopedia Wikipedia are at Exhibit “C” to the Plaintiff.

5. It is stated that the Plaintiff is celebrated for the overwhelming admiration and intense enthusiasm he inspires among fans and followers globally and online articles evidencing this widespread recognition are at Exhibit “D” to the Plaintiff. It is stated that in recognition of his artistic excellence and cultural impact, he was conferred the Padma Shri in 2022 fourth highest civilian honors awarded by the Government of India. He was also the recipient of the National Film Award for Best Male Playback Singer (2005) and has won various other prestigious awards/accolades over the last three decades. A non-exhaustive elaboration on some of the other awards / accolades conferred on the Plaintiff from time to time is at paragraph 11 of the Plaintiff. Printouts from the website ‘IMDb’ which is an online database of information related to films, television series, podcasts, streaming content online etc. displaying the various awards won by the Plaintiff from time to time are at Exhibit “F” to the Plaintiff.
6. It is stated that the Plaintiff, through his extraordinary contributions and accomplishments, has earned a tremendous

reputation and widespread goodwill amongst the members of the general public and in the Indian music industry. Over the course of his extensive career spanning more than 30 years, he has earned tremendous popularity and fandom from both the industry and audiences alike and has also solidified his standing as a prominent figure in the music industry. In view thereof, the Plaintiff's personality traits such as his image, photograph, likeness, and especially his name, along with other aspects of his personality have become distinctive and are connected exclusively with the Plaintiff alone, as the same form the Plaintiff's 'Personality Rights' and/or 'Publicity Rights'.

7. It is stated that the Plaintiff has a large fan following that looks up to the Plaintiff, idolizes him, religiously monitors and follows his social media publications. Therefore, any public statements (including statements in social media) made by the Plaintiff or seen to be emanating from the Plaintiff and/or appear to be associated with the Plaintiff have a wide impact not only on his fan following, but also on the general public at large.
8. It is stated that the subject matter of the present suit is the Plaintiff's personal / real name, which is also the stage name of the Plaintiff i.e. "Sonu Nigam", and his image, photograph and

likeness which are all valuable and protectable facets of the Plaintiff's personality rights and publicity rights. It is pertinent to note that as a conscious call, the Plaintiff has always used his personal name "*Sonu Nigam*" as his stage name at all points of time in his career spanning nearly 30 years. It is stated that any reference to the Plaintiff's name "*Sonu Nigam*" *per se* is exclusively associated to him and no one else.

9. It is stated that in or around the first week of June, 2024 the Plaintiff was informed by his well-wisher that the Defendant No.1 has created a profile on the Defendant No. 2's social media platform 'X' using the display name "Sonu Nigam" and the username associated with the same was "Sonu Nigam Singh". It is stated that on his profile, Defendant No. 1 claims to be a criminal lawyer and a social activist residing in Bihar, India. It is stated that upon being informed of the Defendant No. 1's infringing account, the Plaintiff visited this account and was shocked to see that although Defendant No.1's account handle was '*SonuNigamSingh*', he had maliciously chosen only to use the display name '*Sonu Nigam*' by conveniently dropping the word 'Singh' from the display name of the Infringing Account.

10. It is stated that the Plaintiff was surprised to learnt that the Defendant No.1 has more than 92,800 followers on his Infringing Account and also has prominent national leaders, including the Hon'ble Prime Minister of India, following the Infringing Account, possibly under the misconception that Defendant No. 1 is the Plaintiff himself.
11. Mr. Kamod submits that the Plaintiff has written communications to the social media accounts of the said national leaders on X, intimating them that the Impugned Account does not belong to the Plaintiff and to take necessary steps. It is stated that the Plaintiff had quit Defendant No. 2's platform 'X' in the year 2017 itself i.e. 8 years back. The Plaintiff believes that the aforesaid fact made it easier for Defendant No.1 to impersonate the Plaintiff and in garnering a large number of Plaintiff's followers who were evidently drawn to the fact that the Infringing Account bore the name 'Sonu Nigam'.
12. It is stated that from the information available on the profile page of Defendant No. 1 on 'X', it appears that the Defendant No. 1 is the sole person who has access to the impugned display name and that Defendant No. 1 has made approximately 54,500 posts as on the date of filing the present Suit. A screenshot of

the 'X' webpage displaying the Infringing Account of the Defendant No. 1 is at Exhibit "H" to the Plaintiff.

13. It is stated that upon examination of the Infringing Account and detailed perusal of the posts made therein, it becomes manifestly apparent that Defendant No. 1 is engaged in a calculated and systematic attempt to impersonate the Plaintiff and unlawfully exploit his established celebrity status. Description of some instances where the Defendant No.1 is impersonating the Plaintiff by uploading the Impugned Posts on 'X' along with description of messages / social media posts from members of the general public and news articles in the media which show the confusion and deception caused by the Defendant No. 1's acts are reproduced in paragraphs 31 to 44 of the Plaintiff.
14. Mr. Kamod drew my attention to the documents annexed at Exhibit K to XX to the Plaintiff which consist of social media posts, comments, videos, news articles and related content in support of the instances set out in paragraphs 31 to 44 of the Plaintiff. I have seen these paragraphs as well as the documents at Exhibit K to XX to the Plaintiff. It is stated that the instances set out in

paragraphs 31 to 44 of the Plaint are only indicative in nature and not exhaustive considering the fact that over 50,000 posts have been made by Defendant No. 1 on the Infringing Account.

15. It is relevant to note that on one occasion the Plaintiff was interviewed by the news reporting agency Hindustan Times about the confusion caused by the Defendant No. 1. It is stated that in response to this interview, on 6th June 2024, the Defendant No. 1 wrote a post on his 'X' account alleging that he was only using his personal name and that he had no intention of impersonating the Plaintiff as well as of his being distressed by the accusation that he was impersonating the Plaintiff. A screenshot of the Defendant No. 1's said post on the platform 'X' is at Exhibit "YY" to the Plaint.
16. It is stated that in view of the Defendant No. 1's post and with the intention of not unnecessarily escalating the matter by taking the Defendant No. 1 to Court, the Plaintiff directed his team to continue persuading the Defendant No. 1 to change his display name on 'X'. The Plaintiff was under the *bona fide* belief that better sense would prevail over the Defendant No. 1 and that he would change his display name on X. It is stated that in

these circumstances, the Plaintiff did not immediately take any legal action against the Defendant No. 1. It is stated that however, in view of the Defendant No. 1's aforesaid conduct more particularly described in paragraphs 31 to 44 of the Plaint, especially after Impugned Post 9 and 11 which pertain to events that have transpired recently in May 2025 and June 2025, the Plaintiff's public image has received a considerable blow and the Plaintiff has suffered an irretrievable and irreparable loss of reputation as evidenced by comments by members of the general public reproduced at paragraphs 39 and 41 of the Plaint.

17. Mr. Kamod submits that Defendant No. 1's actions can be segregated into three parts. First, Defendant No. 1 is impersonating the Plaintiff's identity by using the latter's name and persona on the platform 'X'. On the said platform, Defendant No. 1 is posting deeply divisive content that is being attributed to the Plaintiff. Second, several users of 'X' are thereafter criticizing the Plaintiff for the posts on the Infringing Account as illustrated above, and on all such occasions, not once has Defendant No. 1 clarified that the Plaintiff's identity differs from Defendant No. 1. He submits that by way of this "silence",

Defendant No. 1 is causing further harm to the Plaintiff and in a way misleading people to think that the said account does belong to the Plaintiff. Third, Defendant No. 1 is also engaging with other users on 'X' as if he were the Plaintiff and this in itself is making the public at large believe that the posts on the Infringing Account are originating from the Plaintiff.

18. Mr. Kamod submits that it is well settled that the use of a trade mark in a domain name amounts to use in the sense of a trade mark. He submits that the use of a display name on social media is analogous to use of trade mark. He submits that the impugned display name on X "Sonu Nigam" is being by used by the Defendant No. 1 to signify a source / misrepresent that the Infringing Account belongs to the Plaintiff. He submits that in view thereof, Defendant No. 1's use of the impugned display name amounts to use in the sense of a trade mark and the same is capable of being restrained if such use causes misrepresentation. In this regard Mr. Kamod relies upon the following excerpt in the decision of *Arun Jaitley vs. Network Solutions Private Limited and Ors.*, MANU/DE/2483/2011:

"28. From the above discussion, it is clear that the domain names are protected under the law of passing

off with a personal name being no exception. Rather it would not be out of place to say that the entitlement to use one's own name stands on a higher footing than the entitlement to use the trade mark. This is so due to the reason that the right to use ones own name is a personal right as against the right to use a trade mark which is merely a commercial right. This can be discerned after carefully analyzing the scheme of the trade mark law wherein Section 35 of the Trade Marks Act 1999 provides right to use the personal name as a valid defence or an exception to the infringement of the mark.

A necessary corollary which follows is that the right to use a personal name is superior than that of the commercial right of using the trade mark and thus the entitlement to use it as a trade mark or domain name vests with the person having its personal name. Afortiori it can be conveniently stated that the name which besides being a personal name is also distinctive due to its inherent distinctiveness and also by virtue of the popularity of the person specific also fulfils the criterion of trade mark.”

19. In addition to the above, Mr. Kamod also relied upon the decisions in (i) *Hamdard National Foundation and Ors. vs. Hussain Dalal and Ors.*, MANU/DE/1709/2013 and (ii) *Bajaj Electricals Limited vs. Metals and Allied Products and Ors.*, MANU/MH/0333/1988.
20. Mr. Kamod submits that notably, after a brief controversy over the Defendant No. 2's platform which was earlier known as

‘Twitter’, the Plaintiff had taken the conscious decision to leave Twitter, deleted his social media account thereon in the year 2017 itself. Despite having close to 7 million followers as of when he left the platform and being a celebrity and holding social media accounts on other platforms, has chosen to distance himself from the Defendant No. 2’s platform. He submits that the unauthorized use and/or commercial exploitation of the Plaintiff’s personality traits by the Defendant No. 1 on the Defendant No. 2’s platform not only violates the Plaintiff’s publicity and celebrity rights but also amounts to misrepresentation. Mr. Kamod submits that in these circumstances, the Plaintiff is entitled to the relief of ad-interim injunction against the Defendant No. 1 restraining him from violating the Plaintiff’s privacy and celebrity rights. In support of his submissions, Mr. Kamod relies upon *R. Rajagopal and Ors. vs. State of Tamil Nadu and Ors.*, MANU/SC/0056/1995.

21. Mr. Kamod submits that the *mala fides* of the Defendant No. 1 are evident from the fact that Defendant No. 1 holds other accounts on other social media platforms, where his name appears as “*Sonu Nigam Singh*”. However, it is only the

Infringing Account bears the display name of Defendant No. 1 as “*Sonu Nigam*”, thereby the *mala fides* on part of Defendant No. 1 is writ large. Screenshots of the account of Defendant No. 1 on the platform ‘Facebook’ respectively, displaying his actual personal name is at Exhibit ‘J’ to the Plaint.

22. Mr. Kamod also drew my attention paragraph 35 of the Plaint which sets out Instance 5, as described in the Plaint, wherein one well-wisher of the Plaintiff contacted the Defendant No. 1 through the platform ‘Instagram’ and expressed concern over the usage of the Plaintiff’s name and persona through the Infringing Account. Moreover, the said well-wisher also brought to Defendant No. 1’s notice that the Plaintiff had made a public announcement back in 2017 itself that he was exiting the platform X (erstwhile known as ‘Twitter’). By way of the message through Instagram, the said well-wisher brought to the notice of Defendant No. 1 that the public at large was getting confused on account of the former’s posts and believing the same to have been made by the Plaintiff. The said message further requested Defendant No. 1 to issue a clarification as regards his true identity, as otherwise it could lead to legal

complications.

23. It is stated that in response to this message, instead of clarifying that his identity differed from the Plaintiff, Defendant No.1 replied with profane and indecent language and stated that he would be ready to face any legal consequences for his actions. In such circumstances, Mr. Kamod submits that it has become clear that Defendant No. 1 has systematically planned and is knowingly impersonating the Plaintiff to accumulate followers, engagement and digital capital by riding upon Plaintiff's painstakingly established goodwill and reputation. He submits that the Plaintiff is thus seeking urgent *ex-parte ad-interim* reliefs against the Defendant No. 1.
24. The Plaintiff strongly believes that if the Defendant No. 1 gets notice of the Plaintiff's application for ad-interim reliefs, the Defendant No. 1 is likely to cause further irreparable harm to the Plaintiff's reputation by posting additional inflammatory posts on the Impugned Account and / or attempt to gain mileage from the filing of this action by publicizing the fact on the Impugned Account with social media posts which are detrimental to the Plaintiff's goodwill and reputation. The Plaintiff submits that giving notice of the Plaintiff's application

for ad-interim reliefs to the Defendant No. 1 will aggravate the injury already caused to the reputation of the Plaintiff, thereby defeating the purpose of the Plaintiff's action and claim for reliefs.

25. I have heard Mr. Kamod at length, and I have perused the documents on record. *Prima facie*, I am convinced that the documents on record establish that the Plaintiff is a prominent singer-performer in India, having amassed considerable goodwill and reputation over a distinguished career and has acquired a *celebrity status* in India. *Prima facie*, I am of the view that by virtue of the tremendous goodwill and reputation of the Plaintiff as a public figure and celebrated artist / performer, the Plaintiff's stage name "*Sonu Nigam*" *per se*, which is also his personal name, has become distinctive of the Plaintiff and has achieved the significance of a trade mark.

26. The Defendant No. 1 is indeed using the Plaintiff's distinctive stage name / mark "*Sonu Nigam*" as the display name for his social media account on 'X'. However, this case presents a peculiar circumstance where the Defendant No. 1's personal name is stated to be "*Sonu Nigam Singh*", which wholly

incorporates the Plaintiff's distinctive stage name / mark "*Sonu Nigam*". The Defendant No. 1 is also fully aware of the Plaintiff's celebrity status which is evident from his social media post on 6th June 2024, where he attempts to justify his use of the impugned display name as completely innocuous, brushes off his use of the impugned display name as a coincidence and states that he has no intention to misleading the public or riding upon the Plaintiff's goodwill. However, the record before me discloses that, *prima facie*, the Defendant No. 1 is egregiously exploiting the Plaintiff's personality traits, especially his name, so as to actively as well as passively misrepresent to the general public that he is the Plaintiff.

27. For instance, on 3rd February 2025, the Defendant No.1 posted a picture of the Plaintiff on 'X' through the Infringing Account. The said picture was one of the Plaintiff having been invited to the Rashtrapati Bhavan to perform, earlier in 2025, and shows him being felicitated by the Hon'ble President of India, Smt. Droupadi Murmu (which the Plaintiff had earlier shared on his Instagram account page). Once the aforesaid picture was posted on "X", the Plaintiff on 4th February 2025, posted via his

Instagram account, a screenshot of the Infringing Account, clarifying that the Plaintiff is not on Twitter i.e. 'X' (as it then was named) and stating that Defendant No.1 is clearly misleading the people on X and tarnishing the Plaintiff's reputation. It appears that owing to the Plaintiff's clarification dated 4th February 2025, Defendant No.1 deleted the post. A screenshot of the clarificatory post dated 4th February 2025 issued by the Plaintiff on Instagram, in which the Defendant No. 1's impugned post is visible is reproduced below for reference:



28. Similarly, on 1st December 2024, the Defendant No. 1 posted the following through the Infringing Account accompanied with a picture and name of the Plaintiff :



29. The contents of the above post are reproduced below:

“मोहम्मद रफी नमाजी आदमी थे, मुसलमान थे, फिर भी भजन ऐसे गाते थे, जैसे कोई हिन्दू गा रहा हो, आखिर वे गायकी में धर्म परिवर्तन कैसे कर लेते थे”

[English Translation: "Mohammed Rafi was a devout Muslim who offered prayers, yet he sang bhajans in such a way that it felt like a Hindu was singing. How was he able to bring such a transformation in his

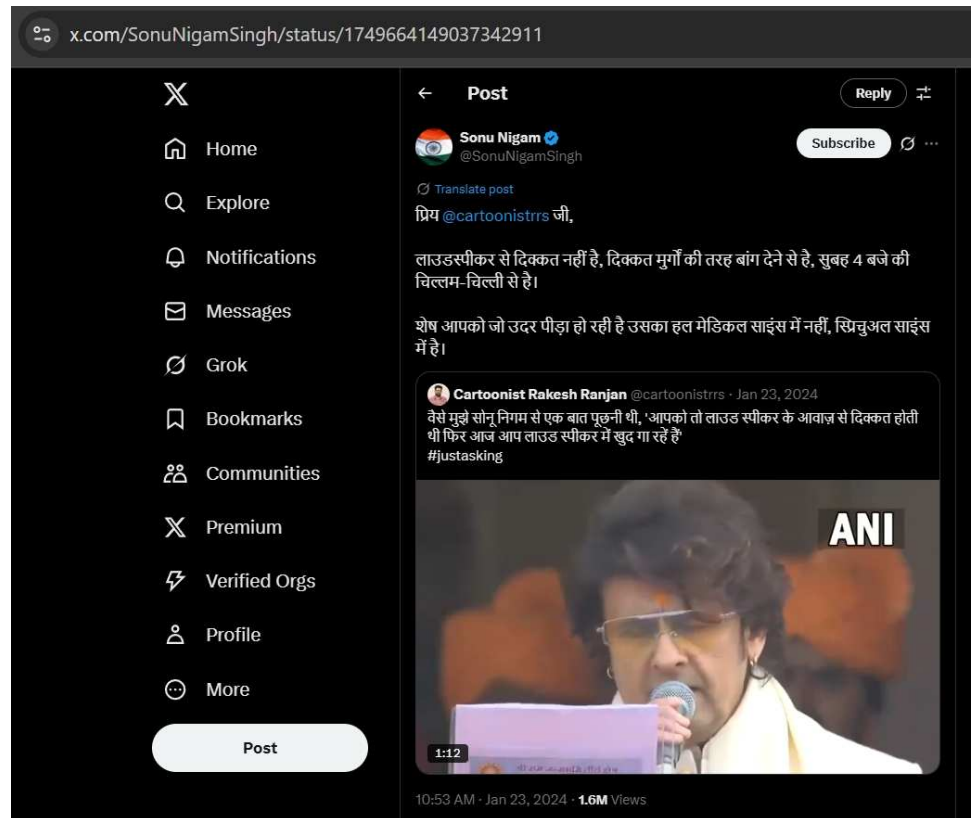
singing?"]

In continuation thereafter, Defendant No. 1 posted the following:

"भजन गाने और सुनने से हृदय और मन दोनों स्वच्छ और संयमित होता है, यह उसी का सकारात्मक प्रभाव है।"

[English translation: "Singing and listening to bhajans (devotional songs) purifies and disciplines both the heart and the mind. This is the positive impact of it."]

30. A bare perusal of the above post would show that Defendant No. 1 has utilized the Plaintiff's name and photograph / image / likeness to make it appear that it was the Plaintiff who has made the abovementioned statement. To an average person of ordinary intelligence, it would most definitely appear that the Plaintiff is authoring the above statements.
31. In another instance, on 23rd January 2025, an X handle by the name of Cartoonist Rakesh Ranjan @cartoonistrs uploaded a video featuring the Plaintiff performing a song before a large public gathering which was held during the Ram Mandir inauguration at Ayodhya, Uttar Pradesh and posted the following:



“वैसे मुझे सोनू निगम से एक बात पूछनी थी, 'आपको तो लाउड स्पीकर के आवाज़ से दिक्कत होती थी फिर आज आप लाउड स्पीकर में खुद गा रहे हैं' #justasking”

[English Translation: "Actually, I wanted to ask Sonu Nigam one thing — 'You used to be disturbed by loudspeaker sounds. Then why are you yourself singing today on a loudspeaker?' #justasking"]

32. On the same day, Defendant No. 1, instead of clarifying that he is not the same as Plaintiff, impersonated the Plaintiff and replied to the above post as follows:

“प्रिय @cartoonistrs
“जी, लाउडस्पीकर से दिक्कत नहीं है, दिक्कत मुर्गों की तरह बांग देने से है, सुबह 4 बजे की चिल्लम-चिल्ली से है। शेष आपको जो उदर पीड़ा हो रही है उसका हल मेडिकल साइंस में नहीं, स्प्रिचुअल साइंस में है।”

[English Translation - "Dear @cartoonistrs ji, loudspeakers are not a problem. The problem is crowing like a rooster, giving a sermon at 4 a.m. from Delhi to Noida. As for the pain you're experiencing — the cure for that isn't in medical science, it's in spiritual science."]

33. The Impugned Post garnered much public attention on platform 'X' and some of the reactions from users of the platform 'X' to the said post are being reproduced hereafter which clearly demonstrate that the Impugned Post was perceived by the public at large as to be emanating from the Plaintiff himself:

a. A user with the username 'Perfect Rizwan' commented:

"Aur kitna girega re tu bachpan se tere gaane sun sun ke bada hua par ye nahi pata tha tere andar into nafrat bhari hoi hai"

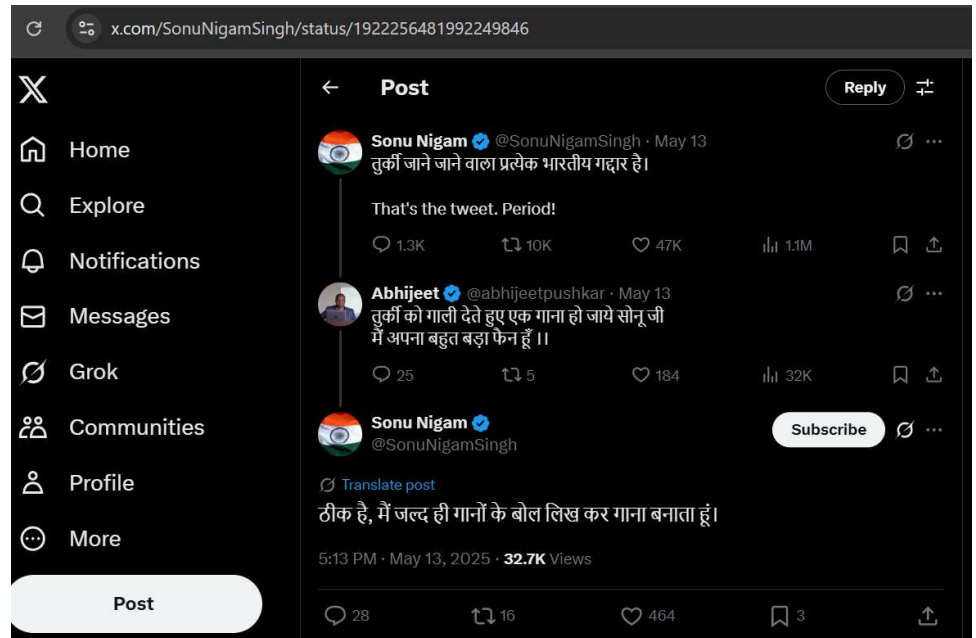
[English translation: How much further will you fall? I have grown up listening to your songs but never imagined you are filled with so much hatred.]

b. A user with username 'hmm' commented:

"@SonuNigamSingh Yesterday, your touching moment also made us emotional. We're grateful that you sang at such a special and pure event. Regarding this tweet: Ignore, "Never wrestle with pigs. You both get dirty and the pig likes it." - George Bernard Shaw"

34. Similarly, by way of another post, on 13th May 2025, the

Defendant No. 1 posted, through the Infringing Account saying:



“तुर्की जाने जाने वाला प्रत्येक भारतीय गद्दार है। That's the tweet. Period!”

[Translation: Every Indian going to Türkiye is a traitor. That's the tweet. Period!"]

35. In response to the aforesaid post, a user with the username Abhijeet confusing the above post to be authored by the Plaintiff replied saying:

“तुर्की को गाली देते हुए एक गाना हो जाये सोनू जी मैं अपना बहुत बड़ा फैन हूँ ।।”

[English translation: Let's have a song while dissing Turkey, Sonu ji I'm a huge fan of yours].

36. In response to the abovementioned comment from the aforesaid user, instead of clarifying that he is not the Plaintiff and

removing the user's confusion, the Defendant No. 1 lead him on to continue thinking he has commented on the Plaintiff's post by impersonating the Plaintiff and saying :

“ठीक है, मैं जल्द ही गानों के बोल लिख कर गाना बनाता हूँ।”

[English Translation: Alright, I'll soon write the lyrics and create a song.].

37. In addition to the aforesaid, it appears that the Defendant No. 1 has also made controversial comments on politically spirited posts by political leaders causing the Plaintiff to receive substantial backlash from the members of the general public. More particularly, on 21st May 2025, Shri Tejaswi Surya, Member of Parliament through his account maintained on platform 'X', made the following statement:

“This behaviour by @TheOfficialSBI Branch Manager is simply not acceptable. If you are doing customer interface work in Karnataka, especially in a sector like banking, it is important to communicate to customers in the language they know. Being adamant like this is simply not right.

I have time and again raised this issue of mandatorily posting local staff or staff who know the local language in banking operations, both inside and outside Parliament.

Just a few weeks ago, at a Public Accounts Committee meeting, I had raised this issue to the DFS Secretary who assured me action will be taken to follow a office notification that makes this requirement of local language knowledge compulsory.

Looks like this still isn't being enforced properly. I urge the concerned at @TheOfficialSBI to immediately implement the DFS policy that mandates local language requirement.

I have spoken to concerned authorities to take action against this manager who has behaved in this manner. Banks working in Karnataka should serve customers in Kannada. Period."

38. In response to the above post, on 21st May, 2025, the Defendant No.1 posted the following:



“Don’t dub Kannada movies in Hindi! Don’t release Kannada movies pan-India!” he wrote. “Do you have the guts to say this to Kannada film stars, Mr. @Tejasvi_Surya, or are you just another language warrior?”

39. Thereafter on 22nd and 23rd May 2025, Economic Times, Indian Express and Times of India, misled to believe that the Defendant No. 1 is the Plaintiff, posted articles alleging that the

Plaintiff has posted that “*Kannada films should not be dubbed in Hindi and released across the country and has tagged the BJP Member of Parliament Mr. Tejasvi Surya*”, when in fact the said post was published by the Defendant No.1 on the Infringing Account. Thereafter, the Plaintiff has by a post dated 22nd May 2025 made on his Instagram page, clarified (tagging Times of India) that the Plaintiff is not on ‘X’ and has made no such comment/ post.

40. Although the Plaintiff subsequently issued a clarificatory post as aforesaid through his official Instagram channel, the damage had already been caused. The Defendant No. 1’s Impugned Post evoked comments from several users of ‘X’, some of which are being reproduced hereunder and which go on to show that the Impugned Post was perceived as having been made by the Plaintiff:

a. One user ‘Ithinkiam’ commented as follows:

“@SonuNigamSingh You are proving that
- goddess Saraswati gave you Singing talent
and cut down on common sense.
- Hindi hegemony monkeys like you are
thankless traitors
-You don’t know when to shut up and are

digging in. Pompous fool”

- b. One user ‘Prakash Raghavadass’ commented as follows:

“Sanghi Nigam's logic is tumbling faster than his fading singing career. By the above absurd reasoning, should we also declare: 'Don't sing in any language other than your own!' or 'Stop releasing Hindi movies across India!' Do you have the guts to say that to a Bollywood singer or producer? Or are you just another Hindian bigot desperate to turn all of India into #Hindia? Kannada... Kannada... Kannada Kannada ..deal with it !”

- c. Another user going by the username ‘Gargoyless_in’ commented that:

“Yesteryear's star should stay quiet now!!! enough is enough”

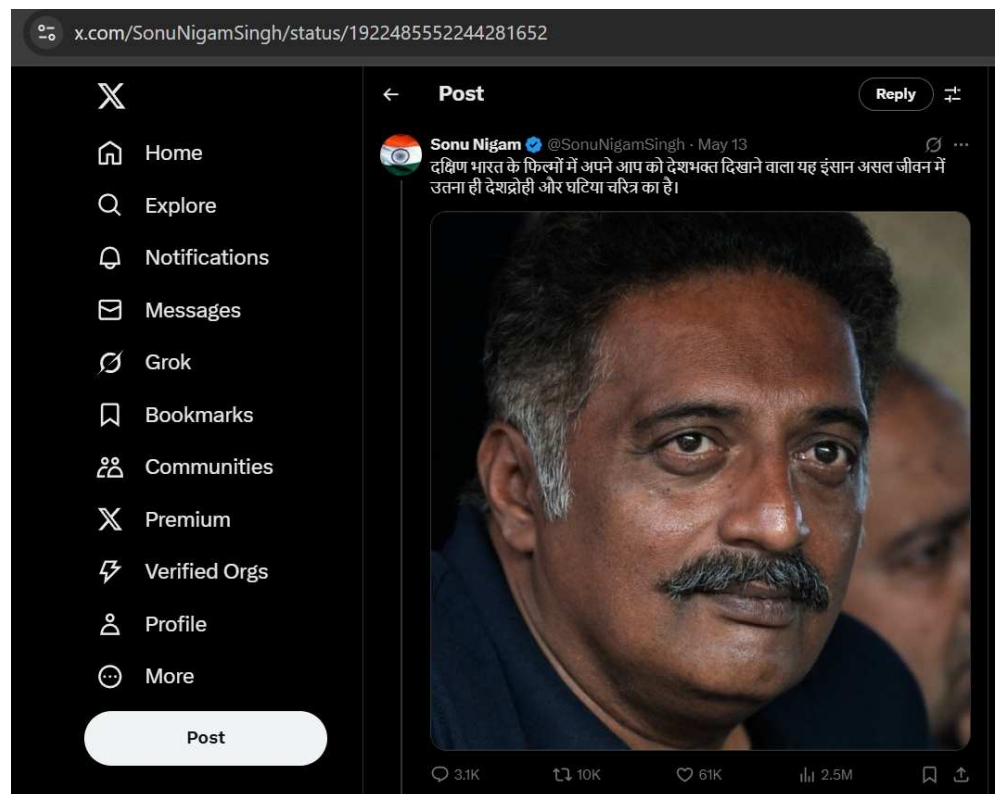
- d. Yet another user going by the username ‘A N Sastry’ commented:

“Language is to communicate not fight. If you don't understand what the other person is speaking, convey it politely. Not necessary to insult? You celebrities also have gone crazy?”

41. It is relevant to note that even though the above commentators on the Defendant No. 1's post are clearly under the misconception

that the Defendant No. 1's post has been authored by the Plaintiff and are clearly aggrieved with the Plaintiff due to no fault on part of the Plaintiff, the Defendant No. 1 has chosen to remain silent and has allowed these users to remain under the misbelief that the Plaintiff is the authors of the above posts. The Defendant No. 1 could have easily clarified that he is different from the Plaintiff and that disassociated the Plaintiff as the source of the Defendant No. 1's posts, however, he has deliberately chosen not to do so.

42. In another instance, on 13th May 2025, Defendant No. 1 posted a picture of the renowned actor Prakash Raj along with the following post:



“दक्षिण भारत के फिल्मों में अपने आप को देशभक्त दिखाने वाला यह इंसान असल जीवन में उतना ही देशद्रोही और घटिया चरित्र का है।”

[English translation: This person, who shows himself as a patriot in South Indian films, is equally a traitor and of bad character in real life.]

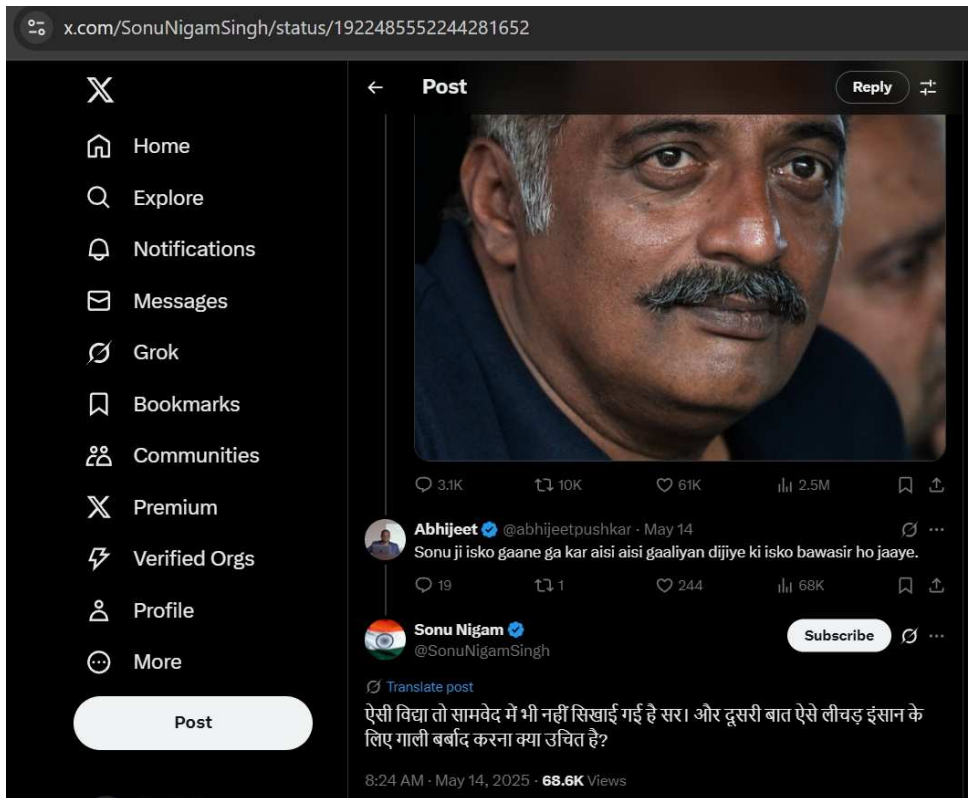
The aforesaid post on platform ‘X’ has over 2.5 million views as on the date of filing the present Suit.

43. A user with the username ‘Abhijeet Pushkar’ commented to the aforesaid post as follows:

“Sonu ji isko gaane ga kar aisi aisi gaaliyan dijiye ki isko bawasir ho jaaye.”

44. Evidently, the said user of platform ‘X’ was under the impression

that the Infringing Account belonged to the Plaintiff and had engaged with the Infringing Account thinking that he was interacting with the Plaintiff. However, Defendant No. 1 made no attempt to clarify that his identity was separate from the Plaintiff and engaged with the aforesaid user pretending to be the Plaintiff replying as under:



“ऐसी विद्या तो सामवेद में भी नहीं सिखाई गई है सर। और दूसरी बात ऐसे लीचड़ इंसान के लिए गाली बर्बाद करना क्या उचित है?

[English Translation: Such knowledge isn't even taught in the Samaveda, sir. And another thing, is it appropriate to waste curses on such a vile person?]

45. In view of the aforesaid, including the instances reproduced in

the Plaintiff, at least *prima facie*, it appears that the Defendant No. 1 use of the Plaintiff's name / mark "Sonu Nigam" is causing widespread confusion and misrepresentation amongst users of platform 'X' and the public at large believe that the posts on the Infringing Account are originating from the Plaintiff. Moreover, what is concerning barring one instance on 6th June 2024, Defendant No. 1 has failed to distance himself from the Plaintiff. On the contrary, the Defendant No. 1 is himself causing misrepresentation by deliberately making certain social media posts / comments on 'X' that imply that he and the Plaintiff are one and the same. Further, I have seen instances when the users / members of the general public on 'X' mistake the Defendant No. 1 to be the Plaintiff, however, the Defendant No. 1 stays silent; he does not clarify their misconception to state that he is distinct from and has got nothing to do with the Plaintiff, thereby continuing the misrepresentation tacitly. Furthermore, and in rather concerning instances, on various occasions the Defendant No. 1 has responded to social media posts / messages / comments of users / members of the general public on 'X' who mistake the Defendant No. 1 to be the Plaintiff, in a manner that leads them on to believe that the

Defendant No. 1 is the Plaintiff. *Prima facie*, the Defendant No. 1's actions cannot be considered innocent and the misrepresentation caused amongst the members of the general public is not a matter of co-incidence. The present matter is not an ordinary case of misrepresentation and passing off by an unaware third party. The conduct of the Defendant No. 1 is *ex facie* dishonest and reeks of *mala fides*.

46. The Plaintiff has acquired immense goodwill and reputation, including in his name "*Sonu Nigam*" which has achieved secondary significance. The Plaintiff is thus entitled to the protection of his distinctive name / mark, especially when the manner of use by the Defendant No. 1 leads to complete misrepresentation.

47. In my *prima facie* view, the Defendant No. 1's use of the Plaintiff's name "*Sonu Nigam*" as his display name on his social media account is causing misrepresentation and amounts to the tort of passing off and the same is liable to be enjoined. Mr. Kamod's reliance on the judgments in *Arun Jaitley (supra)*, *Hamdard (supra)* and *Bajaj Electricals (supra)* is apposite.

48. Further, it is well settled that while every citizen has a right to freedom speech and expression, however the same is not an unbridled or unfettered right. Courts in India have held that reasonable restrictions must be placed especially when the exercise of the right leads to misrepresentation and violation of the right of others. The Plaintiff's right to privacy which includes a 'right to be let alone' is protected by Article 21 of the Constitution of India. In my view, even though the Plaintiff is a celebrity, as a citizen of this country the Plaintiff is entitled to safeguard the privacy of his own and his family and to prevent the publication of any content in the media / social media which violates this right. It is a matter of record that the Plaintiff had taken the conscious decision to leave the Defendant No. 2's platform then known as 'Twitter' and deleted his social media account thereon in the year 2017 itself. *Prima facie*, I am of the view that the unauthorized use and/or commercial exploitation of the Plaintiff's name by the Defendant No. 1 on the Defendant No. 2's platform have not only associated the Plaintiff's name and persona with ignoble acts but have also severely damaged the reputation of the Plaintiff. Mr. Kamod's reliance on the

judgment in *R. Rajagopal (supra)* is apposite.

49. In view of the aforesaid and considering the averments made paragraphs 31 to 44 of the Plaint along with the supporting documents annexed to the Plaint, I am of the *prima facie* view that the Plaintiff has made out a strong *prima facie* case for the grant of *ad-interim* injunction. The balance of convenience is in favour of the Plaintiff and against the Defendant. Unless the reliefs as prayed for are granted, the Plaintiff will suffer irreparable injury which cannot be compensated in terms of money. According to me, in view of what is stated hereinabove and in paragraph 72 of the Plaint, giving notice to the Defendants would defeat the purpose of the Plaintiff's present application. However, since we are at an ex-parte stage, even though the Plaintiff has made out a *prima facie* case, I am inclined to mould the relief sought by the Plaintiff in the Interim Application and limit the scope of the injunction to the use of the impugned display name "Sonu Nigam" *per se* on 'X' by the Defendant No. 1.

50. Accordingly, the following ad-interim order is passed:

Pending the hearing and final disposal of this Suit, the

Defendant No. 1, by himself and / or any person / entity claiming through him are restrained from using the impugned display name / account name “Sonu Nigam” per se on social media platforms.

51. It is clarified that the Defendant No. 1 is free to use the whole name “*Sonu Nigam Singh*” in respect of his social media account on ‘X’ which does not cause misrepresentation or confusion or deception amongst the members of the general public.
52. On the next date, after giving notice to the Defendants, this Court shall consider the Plaintiff’s interim application in respect of the prayers therein against the Defendants.
53. Compliance of Order XXXIX Rule 3 CPC is also permitted by email or message over the Defendant No. 2’s platform ‘X’ considering the fact that the whereabouts of Defendant No. 1 are not known to the Plaintiff. Once the Defendant No. 1’s postal address is available, the Plaintiff shall also in addition do compliance by speed post service. Let the said compliance be done within two days of this order being made available.
54. Liberty to the Defendants to apply for a variation or modification of this order after at least 7 clear working days’

notice to the Advocates of the Plaintiff.

55. List the above Interim Application on 4th August 2025 for further *ad-interim* reliefs.
56. This order will continue till 5th August 2025.
57. This order will be digitally signed by the Private Secretary / Personal Assistant of this Court. All concerned will act on production of a digitally signed copy of this order.

[R.I. CHAGLA J.]