

MHAH170035782024

Regular Civil Suit No.625/2024

Shri Saibaba Sansthan

against

Gautam Khattar and others

**Order on mark no.16/1**

The present application is filed by the Plaintiffs for an interim injunction against the Defendants.

**The narrative in the application is as follows-**

2. The Plaintiff is a Trust Foundation of Shri. Saibaba, and they have alleged that the Defendant has made offensive statements on a YouTube channel against Shri Saibaba. After filing the present suit on 30.12.2024, the Defendant No.1 in a reply to the notice given by the Plaintiff, has not offered any apology nor has he removed the video uploaded on social media. In the year 2023, the Defendant No.1 in an interview, made false, baseless and obscene statements about Saibaba, and the said interview has been viewed by a large number of people. The said statements and actions were done with the intent to defame and slander. All videos in that regard are kept in a pen-drive enclosed in an envelope marked as Exh. 'A', which has been filed along with the Plaint. In an interview given in a program where Defendant No.1 was invited as a guest speaker, he also

made offensive statements about Shri. Saibaba, which have been elaborately discussed in the pleadings. According to his narrative, Saibaba was lustful, alcoholic, debaucheries, adulterous, ignorant of Vedas and Indian culture. He further stated that the words that he used to describe Saibaba were in fact written in the holy book Shri Sai Satcharitra written by Shri. Dabholkar. Such interviews and offensive statements are being broadcasted on many YouTube channels. Because of that, on 13.09.2024, Shri. Saibaba Sansthan informed the Defendant No. 1 through mail. A notice was issued to take down the video of those statements and to issue a public apology. Similarly, many such controversial statements were made against Saibaba by him, and a detailed analysis of the same is provided in the Application's paragraphs no. 8, 10, 18A to F, as well as paragraph no 22. In paragraph no. 22 it is discussed as to what the claims are, and how they are false.

- 3 Summons pertaining to the Suit was sent to the Defendants in the present case through e-mail and registered post. The reports of the summons served on the Defendants, have been filed along with the Affidavit in Exh. 23 to 25. During the arguments by the Plaintiff on 27.01.2025, Adv. Mr. Akshay Changle came and said verbally that the Defendants have received court summons and they want time to appear, but he was not given any Power of Attorney or Vakalatnama by the Defendants. From their statements it is not in dispute that the Defendants have received the summons of the Suit. That is why the case

was adjourned till today to give the Defendants time to appear. But till 05.30 PM today, despite repeated calls to the Defendants, no one has appeared for them. Therefore, without hearing the arguments of the Defendants, the Application of the Plaintiffs has been considered in view of the urgency of the present case.

4. Perused the application and accompanying documents and the videos in the pen drive. Similarly, we went through the English and Marathi version of Shri Sai Satcharitra filed by the Plaintiff. The words used by the Defendant in his interview i.e. greedy, addict, miscreant, adulterer against Shri. Saibaba, are prima facie nowhere to be found in the Shri Sai Satcharitra. Similarly, in the Shri Sai Satcharitra, there is no mention regarding the caste to which Saibaba belonged to, neither is there any mention of Shri. Saibaba saying that the holy river Ganga Yamuna flows from his feet. On the other hand, whilst perusing the chapters in the Shri Sai Satcharitra, Das Ganu, after touching his head on Saibaba's feet, saw that the source of the Ganga Yamuna was coming out of Saibaba's toes, and this is the story which can be identified from the holy book. Also, Shri. Saibaba never destroyed any Hanuman temple, and on the other hand, it is mentioned in the Shri Sai Satcharitra, that Shri. Saibaba restored the temples of Shani, Ganpati, Shankar, Parvati and Maruti. Thus, on what basis is the Defendant making such offensive, baseless statements against Shri. Saibaba, since they are not supported at all by Shri Sai Satcharitra.

5. Similarly, when Shri. Saibaba is seen as a person rather than a deity or a Mahatma, he was 16 years old when he came to Shirdi in the year 1854. Jhansi state was captured in 1853. How and when Shri. Saibaba joined hands with the British army and helped them to get the kingdom of Jhansi, and how these Defendants came to know of this information, is not understood by the Court. There is no information available anywhere in Shri Sai Satcharitra about where, how and with whom Shri. Saibaba lived before his arrival at Shirdi in 1854. Thus, it compels the Court to wonder as to how the Defendants possessed information about Shri. Saibaba before he was born.
  
6. The Court also feels that it is necessary for the Defendants to tell how they possess information about a person and what work, in other words, wrongdoing, he has done, before he was born. Only after evidence is adduced, can we know how and from where the Defendant got the information about the tin pot used by Shri. Saibaba for making food. It is necessary for any Defendant to appear and disclose the basis on which in the 21st century, they have made allegations and statements against any person and the events pertaining to such person, that took place prior to the 21<sup>st</sup> century era. Whereas, Shri Sai Satcharitra was written by Shri. Dabholkar in the lifetime of Shri. Saibaba. When Shri. Saibaba came to Shirdi, Shri. Dabholkar was residing in Shirdi, and he has recorded his first-hand experiences and findings in the Shri Sai Satcharitra. Therefore,

his statement and narrative are presumptive under the Indian Evidence Act.

- 7 Saibaba is worshipped today not only in India but also by devotees outside India. Both the interests and sentiments of the devotees will continue to be hurt if the Defendant continues to make such statements which he believes in. The statements made by the Defendant can be proved only after adducing evidence. But by making such offensive statements till then, prima facie it seems that it would not be appropriate to spread such propaganda about Saibaba. By continuing the said act of defaming Shri. Saibaba's character, immense loss is and will be caused to Shri Saibaba Sansthan and the sentiments of many devotees are going to be hurt. I, therefore, find it proper to allow the Application for Interim injunctive relief sought by the Plaintiff till further orders.

### **ORDER**

1. The application is approved.
2. The Defendant himself or through his agent, signatory, servant or any other person, is restrained by an Order of injunction issued, from making any offensive statements, through words or in any interview which are defamatory in nature, about Shri. Saibaba.

3. Defendant Nos. 1 and 2 must not participate in any kind of interview regarding Shri Saibaba on their own channel or any other channel or any other form of media.
4. Expenses to be borne by one whose expense it is.

Rahata

Date: 31.01.2025

ADITI RATANKUMAR NAGORI

Civil Judge Sr. Level

Rahata