

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****CHAMBER SUMMONS NO.90 OF 2015****IN****SUIT NO.78 OF 2009**

Suneel Darshan

...Applicant

IN THE MATTER BETWEEN

Suneel Darshan

...Plaintiff

V/s.

M/s. Zee Entertainment Enterprises

Ltd. &amp; Anr.

...Defendants

.....

Mr. Devraj Singh with Mr. Avinash Ram Belge i/by Aditya Chitale,  
Advocates for the Plaintiff.

Mr. Sumit Raghani i/by PDS & Associates, Advocate for the Defendant  
No.1.

Mr. Pushkal Mishra i/by M/s. M.V.Kini & Co., Advocate for Defendant  
No.2.

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**CORAM : A. K. MENON, J.****DATE : 4TH DECEMBER, 2015.**

PC.:

1. This Chamber Summons is taken out on behalf of the Applicant/Plaintiff for the amendment of the plaint. The Suit is filed seeking declarations that by and under the agreement dated 29.12.2004 read with the addendum agreement dated 3.3.2005, the sole and

exclusive India Home-viewing video and cable television rights as defined therein and by law of the movie “Mere Jeevan Sathi” are vested in the Plaintiff and for compensation for the alleged breach of copyright by the Defendants. The Amendments now sought seek to add averments in paragraphs 1 and 9(a) giving particulars of the alleged infringement.

2. In an affidavit-in-reply filed on behalf of the Defendant No.2. Defendant No.1 has also filed an affidavit-in-reply dated 11.2.2015 opposing the amendments inter-alia the ground that the same is barred by the law of limitation. The Defendant No.2 adopts the same objection on the ground of limitation. In my view, the issue of limitation will be kept open to be decided at the time of hearing of the above Suit. I therefore pass the following Order;

(i) The Chamber summons is made absolute in terms of prayer clause (a).

(ii) Amendment is to be carried out within a period of two weeks from today.

The Defendants will be at liberty to file their additional Written Statement. Such Additional Written Statement shall be filed on or before 29.1.2016.

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(iv) Chamber Summons stands disposed of as above.

(A. K. MENON, J.)