

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****CHAMBER SUMMONS NO.1529 OF 2015****IN****SUIT NO.546 OF 2012**

Mega Bollywood Private Limited ..Applicant

IN THE MATTER BETWEEN

Mega Bollywood Pvt. Ltd. ...Plaintiff

V/s.

State of Maharashtra & Ors. ...Defendants

And

Reliance Broadcast Network Limited & Ors. ..Respondents.

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Dr. Veerendra Tulzapurkar with Mr. Hasir Ali Rizvi, Hetal Thakore, Kunal Parekh i/by M/s. Thakore Jariwala & Associates, Advocates for the Plaintiff.

Mr. Rajiv Mane, AGP for the State.

Mr. M.V.Swar, Advocate for the Respondent Nos.1 and 2.

Mr. Ahmad Abdi with Mr. S.Y.Sharma and Mr. Ashok Asthana i/by Abdi & Co., Advocates for Defendant No.7.

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CORAM : A. K. MENON, J.

DATE : 8TH DECEMBER, 2015.

PC.:

This Chamber Summons is taken out for amendment of the plaint as per Schedule and to implead the Respondents as party Defendant Nos.10 to 12 in the Suit No.546 of 2012, who are claiming certain rights in the suit film. Dr. Tulzapurkar appearing on behalf of the Applicant

states that vide an advertisement inserted in the 'Bollywood & T.V. Reporter' on 7.11.2015, the Respondent No.1 claims to have acquired rights in the film "Chori Chori Chupke Chupke" ('**Said Film**') which appears at Item No.8 in the list of films in respect of which the advertisement is given. It is his case that the Plaintiffs are claiming ownership of the copyright and various other rights of the said film and the Respondents are now likely to infringe those rights.

2. Vide a letter dated 13.11.2015, the Respondents have already been called upon to cease and desist from exercising any right they claim to have acquired. However, it is his case that there is likelihood that the Respondents will infringe the Plaintiff's rights in the said film. He, accordingly, seeks amendment to the plaint and proceedings in terms of Schedule annexed to the Chamber Summons. No other reliefs are pressed today except the amendment sought in terms of Schedule to the Chamber Summons.

3. Mr. Abdi the learned counsel appearing on behalf of the Defendant No.7 has tendered an affidavit-in-reply on behalf of the Defendant No.7. The same is taken on record. He submits that the Defendant No.7 has not assigned any right to any of these Respondents. He further submits that the advertisement is inserted as a result of collusion between the Respondents and the Plaintiff.

4. The Respondent No.1 is also represented. On a query from the Court, the learned counsel for the Respondent No.1 has conceded that an advertisement of 7.11.2015 was indeed inserted by the Respondent Nos.1 and 2. In view of this admission there is no question of refusing reliefs sought by the Chamber Summons. Accordingly, I pass the following Order;

(i) the Chamber Summons is made absolute in terms of prayer

clauses (a) and (b).

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

(iii) Amended copies of the plaint and the Motion will be served upon all the Respondents and on the Defendants within a period of two weeks thereafter.

(iv) Meanwhile the learned counsel for the Respondent Nos.1 and 2 undertakes to file vakalatnama within a period of one week from today.

(v) There will be no Order as to costs.

(vi) Chamber Summons stands disposed of in above terms.

(A. K. MENON, J.)