

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1204 OF 2016
IN
SUIT NO. 361 OF 2016

Hungama Digital Media Entertainment Pvt. Ltd. ...Plaintiffs
Versus
Vuclip India Private Limited & Another ...Defendants

Mr. Nitin Thakkar, Senior Advocate, with Mr. Rohit Gupta, i/b
PKA Advocates, for the Plaintiffs.

Mr. Sandip Parikh, with Ms. Padmaja Dholakia, Ms. Lekhesh
Dholakia, i/b Dholakia Law Associates, for Defendants Nos. 1 &
2.

Mr. Kunal Parekh, i/b Thakore Jarimala & Associates, for Defendant
No. 3.

CORAM: G.S. PATEL, J
DATED: 10th August 2016

PC:-

1. Parties are agreed that the Notice of Motion can be disposed of by accepting the statements made by the 2nd Defendant for himself and on behalf of 1st Defendant in paragraphs 5(a), 5(b) and 5(c) of the Affidavit dated 16th April 2016, and paragraphs 3, 4 and 5 of the 2nd Defendant's previous Affidavit dated 13th March 2016 as undertakings to the Court. These statements are therefore accepted as undertakings to the Court.

2. As regards any content that is on YouTube, the Defendants will be at liberty to display this in a manner consistent with YouTube's terms of service. The Plaintiffs, for their part, agree that they have no grievance against any such permissible display of YouTube-content.

3. In the event that the Plaintiffs believe that there has been a lapse on the part of the Defendants, they will first give the Defendants, through their Advocates, notice and afford them 72 hours to cure that defect. If that is not done, the Plaintiffs will be at liberty to move the Court for appropriate reliefs.

4. It seems that the Plaintiffs had also made a police complaint on 25th January 2016. The Defendants' officers are sporadically summoned to the N. M. Joshi Marg Police Station to give a statement. Those police authorities are directed, in view of this order, not to proceed further without an order of this Court, as this now unnecessary, and the Plaintiffs' interests are sufficiently protected by the undertakings accepted today. For the present, an authenticated copy of this order may be sent to the Inspector in charge of the N. M. Joshi Marg Police Station, accompanied by a copy of the Defendants' letter dated 29th January 2016 as also the two Affidavits filed by the 2nd Defendant referred to above.

5. The Notice of Motion is disposed of in these terms. Liberty to the parties to apply.

(G. S. PATEL, J.)