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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 791/2016 & CM Nos.29926-29928/2016**

SUHAIB AHMED ILYASI Petitioner
Through **Mr.Sunil K.Mittall and Ms.Tanya**
Chaudhary Advs.

versus

M/S ZEE TELEFILMS LTD & ANR Respondent
Through **Mr.Rohan Swarup, Ms.Archana**
Sahadeva and Ms.Rukma Georga, Advs. for R-1

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
17.08.2016

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1. By the present petition the petitioner seeks to impugn the order dated 15.1.2016 by which on an application filed by the petitioner the trial court instead of directing respondent No.1 to release the claimed amount of Rs.10 lacs framed issues for adjudication.
2. The background of the matter is that a suit was filed by the respondent No.2 with regard to telecast of a T.V.serial "India's Most Wanted-India Fights Back". During pendency of the suit on 19.5.1998 an interim order was passed whereby it was directed that the remuneration for episode nos. 9 to 12 shall not be reimbursed by defendant No.2 (respondent No.1 herein) to either the petitioner or to respondent No. 2 herein. Subsequently, the suit was dismissed in default on 29.7.2009. Accordingly, the claim of respondent No.2 to receive any payment for the said episode Nos. 9 to 12 stood

extinguished.

3. Now the petitioner moved an application under section 151 CPC seeking a direction to respondent No.1 to release the amount of Rs.10 lacs due and payable to the petitioner against telecast of the episodes No. at 9 to 12 of the serial. Payment was not released in view of the interim order dated 19.5.1998.

4. When the above matter came up before the trial court on 10.11.2015, submission was noted on behalf of the respondent No.1 that he had no objection if the application of the petitioner is allowed. The trial court, however, by impugned order dated 15.1.2016 has noted that the stand of respondent No.1 is ambiguous and there is no clear admission for release of the amount to the petitioner. Hence, issues were framed as to whether the petitioner is entitled to the said sum of Rs.10 lacs.

5. Learned counsel for the respondent No.1 further submits that he has no objection to the application being allowed provided that the sum of Rs.10 lacs is paid to the petitioner in full and final settlement of his claims against the respondent.

6. In view of the said categorical submission made by the learned counsel for respondent No.1, in my opinion there is no ambiguity.

7. As far as respondent No.2 is concerned, in view of dismissal of the suit filed by respondent No.2 no claim survives in favour of respondent No.2. Hence, there is even no necessity for serving notice on respondent No.2. None is also appearing for respondent No.2 before the trial court.

8. The application of the petitioner is accordingly allowed. The impugned order dated 15.1.2016 is set aside. Respondent No.1 shall reimburse the sum of Rs.10 lacs payable to the petitioner within four weeks

from today. In case of delay in making payment respondent No.1 shall be liable to pay interest @12% per annum for the period of delay.

JAYANT NATH, J

AUGUST 17, 2016

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