

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (lodg) NO.364 OF 2018
IN
COURT RECEIVER'S REPORT NO.66 OF 2018
IN
CHAMBER SUMMONS NO.866 OF 2012
IN
EXECUTION APPLICATION (L) NO.1207 OF 2011

Prime Focus Ltd.

...Appellant

Versus

1.Yash Tejpal Shah & Ors.

...Respondents

with

NOTICE OF MOTION (LODG) NO.818 OF 2018

Mr.Arif Bookwalla, Senior Advocate with Mr.Tushar Bhavsar I/b. Jayant S.Gaikwad, for the Appellant.

Mr.Rajiv Narula for the Respondent.

Mr.D.R.Shetty, Court Receiver present.

Mr.Sanjay Kadam with Ms.Apeksha Sharma, Mr.Sanjel Kadam, Ms.Sayli Rajpurkar I/b. Kadam & Co., for Respondent No.8.

Mr.Shriniket Deshpande I/b. Naik Naik & Co., for Respondent No.9.

**CORAM : NARESH H. PATIL, ACTING CJ &
G.S. KULKARNI, J.**

DATE : 13th August, 2018

P.C.:

1. The learned Senior Counsel Mr.Bookwalla submits that the appellant will not part with or create third party interest in respect of the negatives, prints of the film which are subject matter of the appeal.
2. The issues in respect of the limitation and lien are raised

during the course of hearing. It is submitted that the issues in respect of the limitation and lien were not specifically raised before the learned Single Judge and raised for the first time before this Court. The parties need to be given an opportunity to raise the issues before the learned Single Judge in respect of the subject issues.

3. On instructions, both the learned Counsel submit that the matter can be remanded back to the learned Single Judge to facilitate the parties to raise appropriate issues before the learned Single Judge.

4. We have expressed no opinion on the merits and the contentions advanced before us.

5. We set aside the order passed by the learned Single Judge and remand the matter back, by consent. Needless to mention that the learned Single Judge shall decide the matter on its own merits. All the contentions of the parties are kept open.

6. The appeal is accordingly disposed of.

7. In view of disposal of the appeal, the pending notice of motion does not survive. It is accordingly disposed of.

Prashant
Vilas Rane

Digitally signed by
Prashant Vilas Rane
Date: 2018.08.16
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G.S. KULKARNI, J.

ACTING CHIEF JUSTICE