

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (Lodging) NO.2814 of 2018
IN
Suit (Lodging) No.1603 of of 2018**

Saif Hyder Hasan .. Plaintiff
vs

1. AGP World Productions Pvt. Ltd or
Ashvin Gidwani Productions Pvt.Ltd & anr .. Defendants

...

Mr.P.M.Havnur with Mr.S.S.Kharat for Plaintiff

Dr.Birendra Saraf with Mr.Mohan Jayakar, Mr.Ashvin
Shete, Mr.Abhay Dhadiwal Ms.Aakaksha Agarwal
I/b M/s Jayakar & Partners for Defendants
Production matter

Coram : S.C.GUPTE J
Date : 24 NOVEMBER, 2018

P.C

Not on Board. Upon mentioning, matter is taken on
Board.

1. Heard learned counsel for the parties.
2. This commercial suit is filed by the plaintiff herein seeking inter-alia a perpetual injunction against showing a play by the name of 'Devdas' with changes made to the play. The suit also seeks damages.

3. The plaintiff is a writer and director of the play 'Devdas' which is produced by defendant no.1. Defendant no.2 herein is the Managing Director of defendant no.1. The plaintiff and the defendants have entered into an agreement termed as a 'Writer and Director agreement.' The agreement is of 12.8.2017. It is the case of the plaintiff that, contrary to the agreement between the parties, the defendants have omitted, and are interested in omitting credit being given to the plaintiff for his script and direction of the play. The plaintiff cites a You-tube presentation with regard to the play 'Devdas' in this behalf. It is also the plaintiff's case that the defendants have made unauthorized changes in the script as well as direction of the play. It is submitted that as a result, the plaintiff's rights have been infringed.

4. Learned counsel for the defendants, submits that due credit is being given to the plaintiff for his writing and direction of the play 'Devdas'. Learned counsel produces a print-out from the You-Tube link concerning the play and its presentation in NCPA today and tomorrow. Learned counsel also states that his clients have not omitted to give credit to the plaintiff for the script and direction of the play at any time and that they will not do so even hereafter for the up-coming four shows today and tomorrow. The statement is accepted.

5. By consent, the disputes between the parties concerning both the credit to be given to the plaintiff for the script and direction of the play 'Devdas' as well as purported unauthorized changes made in the script and direction of the play, shall be referred to the sole arbitration of Mr.Sandeep Parekh, Advocate.

6. Mr.Sandeep Parekh, Advocate, is accordingly appointed as a sole Arbitrator to adjudicate the disputes referred to above subject to his disclosure and consent.

7. This order is passed without prejudice to the rights and contentions of the parties and it will be open to the plaintiff to apply for suitable injunctive reliefs as well as damages towards the disputes raised by him, before the learned Arbitrator. All rights and contentions of the parties on merits in that behalf are kept open.

8. Since the disputes between the parties are referred to arbitration as above, learned counsel for the plaintiff does not press his suit. Accordingly, the suit is disposed of as not pressed with no order as to costs. Refund of court fees in accordance with applicable rules.

(S.C.GUPTE, J)