

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL NOTICE OF MOTION (L) NO.119 OF 2019
WITH
COMMERCIAL NOTICE OF MOTION (L) NO.2884 OF 2018
IN
COMMERCIAL SUIT (L) NO.1626 OF 2018**

Zee Entertainment Enterprises Limited Applicant

IN THE MATTER BETWEEN :

M/s. Daily Multimedia Limited Plaintiff

Vs.

Chirag Mahendra Dhariwal Defendant

Mr. Prasad Pathare I/b. Mr. Rajesh D. Bindra for plaintiff.

Mr. Ankit Lohia a/w. Ms. Hetal Thakore and Mr. Kunal Parekh I/b. Dua Associates AOR for applicant in NMCDL/119/2019.

Mr. Ashok M. Saraogi a/w. Mr. Sushil Upadhyay for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 22nd JANUARY 2019

P.C.:

1 After the notices of motion listed today were heard for some time, the counsel for plaintiff stated that prayer clauses – (a) and (b) in commercial notice of motion (lodging) no.119 of 2019 can be granted, keeping open the rights and contentions of plaintiff so far as the fight with defendant is concerned. The counsel for plaintiff further stated that the rights and contentions of plaintiff and defendant can be heard at the time of hearing and final disposal of the commercial notice of motion (lodging) no.2884 of 2018. Mr. Saraogi has no objection.

2 In the circumstances, commercial notice of motion (lodging) no.119 of 2019 is allowed and accordingly disposed in terms of prayer clauses – (a) and (b) which read as under :

(a) that it be declared/clarified that the order dated 8.1.2019 as passed does not in any manner effect the rights of the applicant in the suit film “Bhaiqji Superhit”;

(b) that it be declared/clarified that the order dated 8.1.2019 does not in any manner prevent the applicant from exploiting its rights in the suit film “Bhaiqji Superhit”.

3 For completion of records, registry to accept the affidavit of plaintiff.

4 As regards commercial notice of motion (lodging) no.2884 of 2018 is concerned, Mr. Saraogi states that within two weeks from today, he will file detailed affidavit in reply in addition to the affidavit already filed. Rejoinder, if any to both the affidavits to be filed and copy served within two weeks of receiving additional reply from defendant.

5 Commercial notice of motion (lodging) no.2884 of 2018 to be listed for hearing in due course after 11th March 2019.

6 As regards the suit is concerned, Mr. Saraogi waives service of the writ of summons and states that within 30 days from today the written statement will be filed and copy served upon plaintiff and defendant will not seek any extension of time.

7 Suit be listed for directions on 22nd February 2019.

(K.R. SHRIRAM, J.)