

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.551 OF 2009
IN
NOTICE OF MOTION NO.4419 OF 2008
IN
SUIT NO.3243 OF 2008**

Yasmin Lalani	...	Appellant
versus		
Vimal Production & Ors.	...	Respondents

Mr. Rupesh Lanjekar, for Appellant.
Mr. Fazal Lalani, husband of the appellant, present in person.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 17th OCTOBER, 2019

P.C.:

1. This appeal is filed by the original plaintiff. She has challenged the order dated 20th July, 2009 passed by the learned Single Judge in Notice of Motion No.4419 of 2008 in Suit No.3243 of 2008. By the said order, the notice of motion was dismissed.
2. The record would show that the plaintiff had filed a suit against the defendant for a declaration that the plaintiff was entitled to all the rights for execution of a feature film called 'Sarech Sajjan'. Such agreement was said to have been executed on 10th June, 1994. On the basis of such agreement, the plaintiff had filed the notice of motion seeking interim relief restraining the defendant from creating third

party rights and from using and exploiting the rights of the film. Such injunction was refused. Against the said order, the present appeal has been filed.

3. Pending appeal, no relief was granted to the plaintiff. We are informed by the counsel for the respondent that the film was released way back in the year 1994. More than 25 years have passed till then. Leaving all the contentions of the appellant-plaintiff open, to be decided in a pending suit, we see absolutely no reason to grant injunction as prayed for at this stage. The appeal is therefore, dismissed.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)