

APO/119/2021  
With  
CS/135/2021

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE

RDB AND CO. (HINDU UNDIVIDED FAMILY) & ORS.  
VERSUS  
ZEE ENTERTAINMENT ENTERPRISES LTD. & ORS.

BEFORE :

THE HON'BLE JUSTICE T.S. SIVAGNANAM  
And  
THE HON'BLE JUSTICE HARISH TANDON

Date : 8<sup>th</sup> November, 2021

Appearance:-

Mr. Ranjan Bachawat, Sr. Adv.  
Mr. Debnath Ghosh, Adv.  
Mr. S. Sengupta, Adv.  
Mr. A. Guha, Adv.  
... for Appellant

Mr. S.N. Mookherjee, Sr. Adv.  
Mr. Shaunak Mitra,  
Mr. Zulfiqar Ali Al-Quaderi, Adv.  
Ms. Prerona Banerjee, Adv.  
... for Respondent No.1

Mr. K. R. Thaker, Adv.  
Mr. Zeeshan Haque, Adv.  
Mr. A.K. Awasthi, Adv.  
... for Respondent Nos.2,3 & 4

The Court : This appeal is directed against the order dated 18<sup>th</sup>  
August, 2021 passed by the Learned Single Bench refusing to pass an

order of ad interim injunction as prayed for by the appellant/plaintiff. The Learned Single Bench by the impugned order has assigned certain prima facie reasons as to why it was not inclined to grant an interim relief. When the appeal was heard by the Division Bench on an earlier occasion the following order was passed on 7<sup>th</sup> September, 2021. For better appreciation, we quote below the operative portion of the order :-

*“Considering the above prima facie case and the balance of convenience, we direct modifying the impugned order of the learned single judge to the effect that exploitation of the copy right in the said films would be restricted to Indian territory only and on the virtual mode as being done now, by the first respondent/defendant, subject to their maintaining a proper account of all earnings from those films.*

*We also observe that all observations by the learned single judge and before us are to be taken as prima facie.*

*The connected application (IA NO: GA/ 1/2021) is disposed of. The papers thereof shall be used in the appeal. The allegations contained therein are deemed to be not admitted.”*

In the preamble portion of the above order the parties were at liberty to file affidavits before the Learned Single Bench according to the directions issued by the Learned Single Bench and the appeal was directed to be listed before the Division Bench.

We have elaborately heard the learned Counsel for the parties and carefully perused the materials placed on record. The Learned Single Bench had refused to grant an order of ad interim injunction and the Division Bench in its order dated 7<sup>th</sup> September, 2021 (supra)

considering the prima facie case and balance of convenience had modified the impugned order to the effect that exploitation of the copy right in the said films would be restricted to Indian territory only and on the virtual mode as being done now, by the first respondent/defendant, subject to their maintaining a proper account of all earnings from those films. Furthermore, the Division Bench had protected the interest of the appellant by making an observation that all observations by the Learned Single Bench and before the Division Bench are to be taken as prima facie.

In our considered view, the above interim order passed by the Division Bench would sufficiently protect the interest of the appellant for the time being till the application which is pending before the Learned Single Bench is heard and decided on merits.

We are informed that the injunction application is listed today before the Learned Single Bench. In any event, at this juncture we do not propose to make any observation except that the order passed by the Division Bench dated 7<sup>th</sup> September, 2021 shall continue till the application for injunction is heard and decided on merits.

With the above observation, the appeal stands disposed of.

The affidavits filed in the instant appeal in terms of the order passed by the Division Bench shall be treated to have been filed in the suit filed by the plaintiff/appellant in addition to the affidavits which had already been filed by the respective parties thereto.

We further request the Learned Single Bench to expedite the hearing of the said application.

Affidavit-in-oppositions filed by the respondent no.1 and the respondent nos.2, 3 and 4 are taken on record.

(T.S. SIVAGNANAM, J.)

(HARISH TANDON, J.)

SN/As.  
AR(CR)