

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMMERCIAL IP SUIT NO. 31 OF 2008
ALONGWITH
INTERIM APPLICATION NO. 1787 OF 2020**

Rajiv Suri S/o. Ram Lambhaya SuriPlaintiff

V/s.

M/s. Nupur Marketing Inc., Delhi
& Ors.Defendants

Mr. Vijay Upadhyay for Plaintiff.

Mr. Rajiv Suri- Plaintiff present.

Mr. Thomas George a/w Ms. Tanvi Sinha and Mr. Mudit Tayal i/b Saikrishna
and Associates for Defendant No. 1.

CORAM : K.R.SHRIRAM, J.

DATED : 10th FEBRUARY, 2021.

P.C. :

1. Mr. Vijay Upadhyay advocate for plaintiff states that yesterday defendant no.1 has taken inspection of plaintiff's documents based on copy of affidavit of documents given to defendant no.1. Mr. Upadhyay states that by 12th February, 2021 he shall file the affidavit of documents in the Registry. Statement accepted.

2. Mr. Thomas states that he will give, on or before 17th February, 2021, statement of admission and denial with reasons for denial to the advocate for plaintiff.

3. At this stage, Mr. Upadhyay states that defendant nos.2, 3 and 4 did not exist. Therefore names of defendant nos.2, 3 and 4 be struck off. Plaintiff to amend the cause title and serve copy of amended cause title within one week from today.

4. Plaintiff to file its list of witnesses and affidavit in lieu of examination-in-chief and on or before 5th March, 2021 and serve copy thereof upon advocate for defendant no.1, the only remaining defendant.

5. Suit be listed on 10th March 2021 at 2.30 p.m., for recording evidence/marking of documents on which date plaintiff's first witness shall remain present in court if it is physical hearing and on line if it is by video conference.

6. At this stage, after above order was dictated, Mr. Thomas appearing for defendant no.1 states that ever since the suit was filed, defendant no.1 has not exploited the suit film "Parwana" and his instructions are to submit to a decree in terms of prayer clause (a) and (b).

Prayer clause (a) and (b) reads as under ;

(a) that it, this Hon'ble Court, be declared that the documents appearing at Exhibit A is a forged and fabricated document and in view thereof, the said document alongwith all further documents dated 29th November, 2006 and Public notice dated 16th April, 2007 are not binding upon the Plaintiff and the Defendants have no right of whatsoever nature in respect of copyright of the film titled "Parwana" in any manner whatsoever.

(b) that this Hon'ble Court be pleased to pass a permanent order and injunction restraining the Defendants, their agents,

servants and/or any other person or persons claiming through or under them from in any manner using the document appearing at Exhibit A, B & C as against the Plaintiff and be further restrained from in any manner claiming any copyright in respect of the film titled "Parwana" and be restrained from circulating , manufacturing, distributing, selling the said film on any of the Media and/or in any format in any manner whatsoever.

7. Suit accordingly stands decreed against the only defendant i.e., Defendant No.1 in terms of prayer clause (a) and (b) with no order as to costs.

Mr. Thomas says that within one week he will file affidavit of proprietor of defendant no.1 with copy to plaintiff's advocate. Statement accepted.

8. Refund of court fee, if any, in accordance with rules.

9. All interim applications also stand disposed.

(K.R. SHRIRAM, J.)