

\$~1 (2021)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Decision delivered on: 26.07.2021

+ **FAO (OS) (COMM) 88/2021 & CM Nos. 18992/2021, 19669/2021**

KRISHNA KISHORE SINGH

.....Appellant

Through: Mr. Vikas Singh, Sr. Advocate with
Mr. Varun Singh, Ms. Deepika Kalia,
Mr. Kapish Seth, Mr. Mritrunjai
Singh, Mr. Satvik Mishra & Ms.
Alankriti Dwivedi, Advocates.

Mr. Jayant Mehta, Sr. Advocate with
Mr. Sudeep Chatterjee, Advocate.

versus

SARLA A. SARAOGI & ORS.

.....Respondents

Through: Mr. Hiren Kamod with Mr. Bhushan
M. Oza, Mr. Anand Mishra and Mr.
Anees Patel, Advocates for
respondent nos.1 and 2.

Mr. Chander M. Lall, Sr. Advocate
with Mr. Vedanta Varma, Ms. Nancy
Roy and Mr. Akhil K. Gola,
Advocates for respondent no.3.

Mr. Vibhor Kush, Advocate for
respondent no. 4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened via video-conferencing on account of COVID-19]

1. Mr. Vikas Singh, learned senior counsel, who appears on behalf of the appellant, on instructions, says that the statement made on behalf of

respondent no. 3, on 23.06.2021, that the subject film, i.e., “Nyay: The Justice” [hereafter referred to as the “subject film”] has been released, is not correct.

1.1. Mr. Singh says that the subsequent order, i.e., order dated 25.06.2021 would show that an impression was given, to the predecessor bench, that the duration of the film was 2 hours and 23 minutes, as appearing on <http://lapalaporiginal.com/> [hereafter referred to as the “subject OTT platform”].

1.2. It is Mr. Singh’s submission that if one were to visit the subject OTT platform, it would be revealed that, with “gaps”, the duration of the subject film stands increased to 2 hours 41 minutes. Therefore, in sum, it is Mr. Singh’s submission that the subject film has not been released, for public viewing, as was sought to be portrayed, by respondent no. 3, in particular, as noticed hereinabove, on account of gaps.

2. On the other hand, Mr. Chander M. Lall, learned senior counsel, who appears on behalf of respondent no. 3, says that the content of the subject film has not changed, from the date it was released, on the subject OTT platform, i.e., 11.06.2021.

2.1. It is Mr. Lall’s submission that although, at the given point of time, gaps were incorporated, whereby, the duration of the subject film, stood increased to 2 hours 41 minutes, the content has not changed.

2.2. It is also Mr. Lall’s submission, that the duration of the subject film, as recorded in the order dated 25.06.2021, i.e. 2 hours and 23 minutes, is, in fact, a typographical error. The duration of the subject film, according to Mr. Lall, was 2 hours 32 minutes, even at that juncture, which, with the gaps, stood increased to 2 hours 41 minutes.

3. We are informed that gaps were inserted, at a particular juncture, to

merge advertisements, with the contents of the subject film. Mr. Lall also informs us that some advertisements were, indeed, incorporated.

4. At this stage, Mr. Singh points out that first 9 minutes of the subject film, as appearing on the subject OTT platform, are blank.

5. We may also point out that Mr. Lall has taken instructions, in the matter, and he says that, presently, the gaps have been removed; and the duration of the subject film is, now, 2 hours 41 minutes, with advertisements included in between.

6. Given this position, both the counsel submit, that the best course forward would be to remit the matter to the learned Single Judge, where the parties can, then, press their respective claims.

7. Given the aforesaid submissions, made on behalf of Mr. Singh and Mr. Lall, counsel for the parties say, that the appeal and the pending applications can be disposed of accordingly. It is ordered accordingly.

8. The appeal is, thus, disposed of with liberty to the appellant, to press his claims, in terms of paragraph 43 of the impugned judgement dated 10.06.2021. The contentions of the appellant will be examined, by the learned Single Judge, in the context of the subject film, which is, presently, available on the subject OTT platform.

9. In case, respondent no. 3 were to make changes in the subject film, as available today, on the subject OTT platform, information, in that behalf, will be given to the appellant. The appellant will, then, have liberty to move the learned Single Judge, if so advised.

10. Needless to add, since we have not examined the matter on merits, and given the fact that, at the stage, at which the impugned decision was rendered, the subject film had not been released, all the parties will at liberty to advance their respective stands, before the learned Single, in view of the

changed circumstances.

11. Resultantly, pending applications shall also stand disposed of.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JULY 26, 2021

nk

[Click here to check corrigendum, if any](#)

