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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1005 OF 2023

Rajkumar Santoshi

.. Petitioner
(Orig. Defendant No.3)

Versus

M/s. Y.T. Entertainment Ltd. and Ors.

.. Respondents

WITH

WRIT PETITION NO. 1006 OF 2023

Santoshi Production LLP

.. Petitioner

Versus

M/s. Y.T. Entertainment Ltd. and Ors.

.. Respondents

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- Dr. Virendra Tulzapurkar, Senior Advocate a/w. Mr. Divakar Rai, Mr. Nitin Rai, Mr. Saurabh V. Tamhankar, Mr. Raj Tamhankar, Mr. Aditya Rai and Mr. Mayur Sosa i/by Ramchandra Rane, Advocate for Petitioner in WP No.1005 of 2023.
- Dr. Virendra Tulzapurkar, Senior Advocate a/w. Mr. Mandar Soman, Advocate for Petitioner in WP No.1006 of 2023.
- Mr. Rajiv Narula i/by Jhangiani Narula & Associates for Respondents in both Writ Petitions.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 24, 2023.

P.C.:

1. Heard Dr. Tulzapurkar, learned Senior Advocate appearing for the Petitioners and Mr. Narula, learned Advocate appearing for Respondents for some time.

2. Both Writ Petitions take exception to the reasoned order dated 20.01.2023 passed by the learned City Civil Court, (Borivali Division), Dindoshi, Goregaon, Mumbai (for short “**Trial Court**”) in

Notice of Motion No.229 of 2023 whereby the Defendant No.3 has been directed to furnish cash security of Rs.50,00,000/- (Rupees Fifty Lacs Only) in the learned Trial Court from the date of the impugned order and Defendant No.3, his firm Santoshi Production LLP, his servants, agents or any person or persons claiming through him have been restrained from releasing the film “Gandhi Godse – Ek Yudh” in Cinemas or OTT or any other platforms until first making payment of or deposit the cash security amount in the Court. The order dated 20.01.2023 are challenged in the present Writ Petitions. One Writ Petition is filed by Rajkumar Santoshi whereas the second Writ Petition is filed by Santoshi Production LLP. The reasoned order is made available only today and has been tendered across the bar.

3. I have heard Dr. Tulzapurkar and Mr. Narula and taken note of their respective submissions.

4. After hearing them and deliberating on the issue, both Writ Petitions are disposed of by the following Order which is passed without prejudice to the rights and contentions of both the parties:-

- (i) Original Defendant No.3 (Petitioner in Writ Petition No.1005 of 2023) i.e. Rajkumar Santoshi is permitted to deposit an amount of Rs.25,00,00/- (Rupees Twenty Five Lacs only) with the Trial Court within a period of four weeks from today;

- (ii) Both the parties are permitted to make appropriate Application seeking either withdrawal of the money and/or deposit of any further amount and if any such Application is made, the same shall be decided on its own merits and strictly in accordance with law, without being influenced by the observations and findings in the impugned order dated 20.01.2023, as also this Order passed today;
- (iii) Needless to state that the impugned order dated 20.01.2023 stands modified to the extent of the deposit directed to be made herein above and the embargo on the release of the film stands lifted;
- (iv) All contentions of the parties are expressly kept open.

5. Both the Writ Petitions are disposed.

[MILIND N. JADHAV, J.]

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