

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL ARBITRATION PETITION NO.261 OF 2024**

Deepa Tracy

... Petitioner

V/s.

Planet Marathi & Ors.

... Respondents

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Mr. Karl Tamboly a/w Chitra Rentala, Anuj Desai, Advait Shukla, Parikshit K. i/by Trilegal for the Petitioner.

Mr. Sarosh Bharucha, Counsel, Shrey Fatterpekar, Counsel a/w Vaibhav Warerkar and Shivani Deshmukh i/by M Mulla Associates for Respondent Nos.1 and 2.

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**CORAM : ARIF S. DOCTOR, J.**

**DATE : 24TH SEPTEMBER 2024**

**P.C. :**

1. I am today informed that despite attempts being made to settle the matter, the parties have been unable to arrive at a settlement.

2. On a query from the Court as to whether parties were ready and willing to submit their disputes and differences to arbitration, Mr. Bharucha, Learned Counsel appearing on behalf of Respondent Nos.1 and 2 fairly

submitted that his clients were willing to do so.

3. It was then however pointed out that Respondent No.3, though served, has not entered appearance and thus today no order could be passed referring the matter to arbitration absent the consent of Respondent No.3.

4. It was thus that Learned Counsel submitted to once again intimate Respondent No.3 of the next date of hearing.

5. Mr. Tamboly, Learned Counsel appearing on behalf of the Petitioner then submitted that given the admission of liability, as more particularly contained in the letter dated 12<sup>th</sup> March 2024 addressed by Respondent's Advocates, the Respondents ought to be directed to file a disclosure of its assets and liabilities in lieu of the very settled position in law.

6. Mr. Bharucha very fairly submitted that his clients were willing to do so and would do so within a period of two weeks from today.

7. Mr. Tamboly submitted that the statement made earlier by Respondent Nos.1 and 2 that the film in question would not be released without consent of the Petitioner should continue till the next date.

8. Mr. Bharucha submitted that his clients would not release the film in question without the Petitioner's prior consent.

9. Mr. Tamboly submitted that since Respondent No.3, though served, was not present, a similar order *qua* disclosure be made against Respondent No.3.

10. I am satisfied that Respondent No.3, though served, has not appeared. Hence, Respondent No.3 shall also file an Affidavit of Disclosure in the same terms required of Respondent Nos.1 and 2. Respondent No.3 also shall not release the film in question without the consent of the Petitioner.

11. Stand over to 30<sup>th</sup> September 2024 to enable the Petitioner to once again serve Respondent No.3.

(ARIF S. DOCTOR, J.)