## IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

## NOTICE OF MOTION NO. OF 2010 IN APPEAL (LODGING) NO.710 OF 2010 IN SUIT NO.2692 OF 2010

AAP Entertainment Ltd.

... Appellant

Versus

Twentieth Century Fox Film Corporation and another. ... Respondents

Mr. Iqbal Chagla, Senior Advocate with Mr. Ugandhara Khanwilkar, Mr. Ameet Naik, Mr. Madhu Garodia i/by M/s. Naik Paranipe & Co. for the appellant.

Dr. Virendra Tulzapurkar, Senior Advocate with Mr. Phiroze Paolkhiwala and Mr. X. Ranina i/by M/s. Neolegal for respondent No. 1.

Mr. Ravi Kadam, Advocate General with Mr. S.U. Kamdar, Senior Advocate i/by M/s. Karthikeya Associates for respondent No.2.

## CORAM : MOHIT S. SHAH, C.J. & DR. D.Y. CHANDRACHUD, J.

Thursday, October 14, 2010

*P.C.* 

Leave under Rules `147 and 148 of the High Court, Original Side Rules, 1980 granted to the appellant to take out notice of motion in terms of draft notice of motion handed in. Notice of motion is made returnable forthwith.

2. Heard Mr. Iqbal Chagla, learned Senior Counsel for the appellant (original defendant No.2) and Mr. R.M. Kadam, learned counsel for respondent No.2 (original defendant No.1) and Dr. Virendra Tulzapurkar, learned Senior Counsel for respondent No.1 (original plaintiff) on the question of interim relief during the pendency of the appeal.

3. Having regard to the fact that the order under appeal is passed today in the film which is to be released on 15 October 2010 as informed by the appellant to the plaintiff by letter dated 10 September 2010, we are inclined to grant interim stay during the pendency of the appeal. However, in the facts and circumstances of the case, we are inclined to impose a condition that the appellant must deposit a sum of Rs.1.50 crores with the Prothonotary & Senior Master of this Court with a further condition that the appellant shall maintain accounts and place the same on record of this appeal. Mr. Chagla, learned senior counsel for the appellant submits that the appellant shall deposit the said amount without prejudice to the rights and contentions of the parties by Tuesday, 19 October 2010. Mr. Chagla also undertakes on behalf of the appellant that the amount will be deposited by 19 October 2010. Accordingly, there shall be interim stay of the order dated 14 October 2010 passed by the learned trial Judge in Notice of Motion No.2847 of 2010 subject to the condition that the appellant deposits a sum of Rs. 1.50 crores with the Prothonotary & Senior Master by 19 October 2010 and subject to the further condition that the accounts shall be maintained and placed on record. The undertaking is accepted.

Ordinary copy of this order shall be supplied to the parties.

**CHIEF JUSTICE** 

DR. D.Y. CHANDRACHUD, J.