

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION (L) NO. 2407 OF 2014****IN****SUIT (L) NO. 1016 OF 2014**

Abis Rizvi Films

...Plaintiff / Applicant

vs.

Hathway Cable and Datacom Ltd. &amp; Ors.

...Defendants

Dr.Birendra Saraf, Senior Counsel with Mr.Deepan Desai & Mr.Swapnil Gupte i/b.  
M/s.Hariani & Co. for Plaintiff.

None for Defendants.

**CORAM : S.C. GUPTE, J.****07 NOVEMBER 2014****P.C. :**

Heard Dr.Saraf, learned Senior Counsel for the Plaintiff.

2 In this matter, ad-interim reliefs in the nature of a 'John Doe order' are sought, in addition to known Defendants, against unknown persons, who are likely to infringe the copyright of the Plaintiff in a film already released on 31 October 2014. The film is titled "Roar - Tigers of the Sundarbans". Defendant Nos.1 to 3 have been served. Defendant No.4 is joined in a representative capacity representing those, who according to the Plaintiff, though unknown, are likely to infringe the copyright of the Plaintiff in the film. The Plaintiff to file an affidavit of service on Defendant Nos.1 to 3 within a period of one week from today.

3 Originally, the Plaintiff moved the present application prior to the release of the film on the basis of an apprehension that there was a likelihood of pirated copies of the film being released on different media and transmitted through cable service operators. Having regard to the fact that there were inadequate averments in the plaint regarding such likelihood, I was not inclined to consider ad-interim reliefs in the matter. However, the Plaintiff has now filed an additional affidavit dated 31 October 2014, which *inter alia* records certain events

which have transpired after the film was released on 31 October 2014. It is the Plaintiff's case that on 3 November 2014, the Plaintiff learnt of uploading of the pirated copy of the film on a website. The uploaded film was available for download by public at large. The Plaintiff has given particulars of the website "Extra Torrent" where the pirated copy of the film is available for download. It is also the Plaintiff's case that the pirated film is being sold in the form of DVDs by hawkers. The Plaintiff has produced a cover of the pirated DVD of the film.

4 Having regard to the material now placed by the Plaintiff before the Court, it is clear that the Plaintiff's apprehension, on the basis of which the ad-interim reliefs are now sought in the Notice of Motion, is well founded. There is a clear case made out for grant of ad-interim reliefs.

5 Our Court, like several other High Courts, has passed similar orders based on apprehensions of a breach of copyright. Several of such orders have been noted in an order passed by this Court on 14 October 2014 in the case of **Red Chillies Entertainment Pvt.Ltd. vs. Hathway Cable & Datacom Ltd<sup>1</sup>**.

6 As in those cases, even in the present case, the injunction sought does not pertain to any internal dispute regarding the production of the film, but seeks only to restrain potential damage and loss likely to be caused to the Plaintiff, if pirated copies are allowed to be circulated in the market.

7 In the premises, I am satisfied that urgent ad-interim reliefs are necessary in the matter. Therefore, there will be ad-interim order in terms of prayer clauses (b), (c), (d) and (g) of the Notice of Motion. The concerned Police Station, in the jurisdiction of which such pirated copies, if any, are found to be circulated, is directed to render assistance to the Plaintiff in the matter in accordance with prayer clause (g).

8 The Plaintiff shall be at liberty to publicize in all available media an authenticated copy of this Order by setting out a substance of the order. The

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1 Notice of Motion (L) No.2366/2014 in Suit (L) No.993/2014.

order / its substance may also be prominently displayed by advertising in television as also in cinemas, as the Plaintiff may desire.

9 All police authorities are directed to act on a production of an authenticated copy of this order.

10 Replies to be filed and served on or before 21 November 2014. Rejoinder, if any, to be filed on or before 28 November 2014. Place this matter for final hearing on 2 December 2014.

**(S.C. Gupte, J.)**

Bombay High