

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Appeal from Order No. 488 of 2013
WITH
Civil Application No. 600 of 2013 IN AO 488/2013

Nishant Gajendranath Ranjan ... Appellant
V/s.
Ashi Dua & ors. ... Respondents

Mr. Venkatesh Dhond, Sr. Counsel a/w. Ms. Madhu Gadodia, Ms. Anushree Rauta, Ms. Rajni Singh i/b. Naik Naik & co. for respondents 2 and 3.

Mr. Diwakar Dwivedi i/b. Darshana Singh for the appellant.

CORAM : B.R.GAVAI, J.
3rd May, 2013.

P.C. :

The appeal challenges the order dated 26th April, 2013 vide which the learned Judge though has adjourned the matter to 28th June, 2013, has also observed that it is made clear that no preceipe will be entertained for hearing on ad-interim relief in the present matter.

2. The learned Counsel for the appellant submits that since during the course of hearing it struck to the Counsel that he has an alternate remedy of approaching the Indian Motion Pictures' Association for redressal of his grievance, he has requested for sometime so as to take recourse to such alternate remedy. The learned Counsel submits that, however, after the

said Motion Pictures' Association informed that they only entertain the disputes between the producers and not between the producer on one hand and the writer on the other hand, it was found that said remedy was not available to the plaintiff.

3. The learned Counsel submits that by way of impugned order, the entire fate of the present appellant is seen. The learned Counsel submits that on a storyline which is a creative idea of the appellant and on the basis of which storyline he has negotiated with leading Director to produce film, he will now be deprived of producing the film on the same storyline. It is submitted that due to this the appellant who would have earned huge money and great fame, is put to an irreparable loss.

4. Shri Dhond the learned Counsel submits that it is on account of the conduct of the parties that the learned Judge has passed the aforesaid order. The perusal of the order would reveal that learned Judge has observed as under:

“After hearing both the parties at length, while passing the order, learned Advocate for the plaintiff prayed for adjournment. Considering his request adjournment is granted.

It is pertinent to note that seeking adjournment by the plaintiff itself shows that he does not want to press ad-interim relief today.”

5. It is thus clear from the order passed by the learned Judge that when the learned Judge was to pass the order after hearing the parties, a motion

for adjournment was made. To a pertinent query, the learned Counsel for the appellant states that the said observation is partly true. The learned Counsel submits that when the learned Judge was to pass an order but had not yet commenced dictating the order, the aforesaid request was made. Be that as it may, it is thus an admitted position that after the hearing was concluded, the aforesaid request for adjournment has been made.

6. It is quite possible that after the learned Judge heard both the parties and gave an inclination as to what was the fate of the motion, a request has been made to adjourn the matter. A party while invoking an equitable jurisdiction, cannot be permitted to take chance. Having fulfilled hearing on the motion after the Judge was to pass an order, the conduct seeking an adjournment is itself deplorable. In these circumstances, if the learned Judge has observed that the applicant would not be permitted to file a praeceipe for again hearing on ad-interim relief cannot be faulted with. In any case, even according to the appellant due to the alleged illegal act of the respondent no.3, he is likely to sustain heavy losses in terms of money as well as in terms of fame, it cannot be said that in the event the plaintiff succeeds in the plaint, the damages are not such which could be compensated in the monetary terms.

7. In that view of the matter, no case is made out for interference in the appeal. The appeal is rejected.

8. In view of disposal of appeal, nothing survives for consideration in the civil application. The same is disposed of accordingly.

(B.R.GAVAI, J.)

L.S. Panjwani, P.A.

Bombay High Court