

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO. OF 2011  
IN  
SUIT (LODG.) NO.668 OF 2011**

High Definition Television (P) Ltd. ..Plaintiff.  
versus  
Association of Motion Pictures and  
T.V. Programme Producers and others ..Defendants.

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Mr. R.R. Verma i/b Mr. Ashok M. Saraogi for the Plaintiff.  
Mr. Ashish Kamath i/b Ashok Purohit & Co. for Defendant No.1.  
Mr. Shyam Mehta with Mr. Akshay Patil i/b Mr. R.M. Azim for  
Defendant No.3.  
Mr. Vineet Naik with Mr. Amol Naik, Mr. Abhishek Kale and Mr. Lavin  
Hirani i/b Naik Paranjpe & Co. for Defendant No.4.  
Mr. Venkatesh Dhond i/b Naik Paranjpe & Co. for Defendant No.6.

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**CORAM : DR.D.Y.CHANDRACHUD, J.****8 April 2011.****RC. :**

1. Leave under Rule 146 of High Court (Original Side) Rules 1980 granted to the Plaintiff to take out Notice of Motion in terms of draft Notice of Motion handed in.
2. An application for ad interim relief has been made for an order of injunction restraining the Third and Fourth Defendants from using the title "MAUSAM" for the purpose of the production of a cinematograph film. An injunction has similarly been sought against any member of the First and Second Defendants from using the title.

3. The Plaintiff was granted registration in respect of the title "MAUSAM" by the First Defendant on 6 April 2001. The Plaintiff was thereafter granted at least six renewals between 2001 and 2010. The Plaintiff as well as Defendants 3 to 6 are members of the First Defendant. The registration of the Plaintiff was renewed on 9 August 2010. Prior to the issuance of a certificate of registration, the Plaintiff was called upon to disclose the progress made by the Plaintiff in respect of the film under the title which was registered and was informed that the registration committee would be at liberty to allot the title to any other person. The Dispute Settlement Committee of the First Defendant passed an order on 4 December 2010 registering the title in favour of the Sixth Defendant on the ground that despite the passage of several years, no steps have been taken by the Plaintiff for producing the film.

4. Admittedly, the film which was to be produced by the Plaintiff did not see the light of the day for over ten years. The Plaintiff had knowledge of the fact that a rival film with the title "MAUSAM" was publicized in trade channels as is evidenced from the Plaintiff's letter dated 4 September 2010 (Exhibit C). The rules which have been framed by the First Defendant inter alia provide in Rule 10 that if a title remains unused by a producer for a period of three years and if there is an application for the same title from another producer, the committee is entitled to seek an explanation from the title holder and if it is not satisfied with the explanation, the committee is empowered to use its discretion and allot the title in favour of a new applicant. The representative of the Plaintiff was

duly heard when the Dispute Settlement Committee decided on **4** December **2010** to allot the title to the Sixth Defendant upon the failure of the Plaintiff to produce a film for nearly a decade. In the meantime, the Court has been informed that the film which is being produced by the Fourth Defendant under the title of “MAUSAM” is slated for a worldwide release on **22** July **2011**. Counsel appearing on behalf of the Fourth Defendant states that an amount of Rs.**45** Crores has been invested towards the project. On these facts no case for the grant of an interim relief is made out. Ad interim relief is refused.

The Notice of Motion is made returnable on **28** June **2011**.

(Dr. D.Y. Chandrachud, J.)