



role in the murder of one Neeraj Grover. The plaintiff has filed an appeal in this Court being Appeal No.724 of 2011 against the judgment. The appeal has been admitted and is pending.

3. Defendant No.1 is the production house. Defendant No.2 is alleged to be the controlling shareholder of defendant No.1. Defendant No.3 is the director of the said film. In essence, the plaintiff's case is that the said film depicts distorted facts based on the said case. It projects the plaintiff in an incorrect, untrue manner. The same therefore, is not only injurious to the plaintiff's reputation, but also has a bearing upon matter, which is sub-judice. The plaintiff has relied upon the material to establish his case that the film is in fact based on the said case.

4. The application for ad-interim order was made yesterday i.e. 17.8.2011. The learned senior counsel appearing on behalf of defendant Nos.1 and 2 made a statement that the prints had already been handed over to various distributors. Defendant Nos.1 and 2 were directed to furnish the list of the distributors to the plaintiff' advocate which they have done.

5. A notice was given yesterday to one UTV Software Communications Limited, stating that the plaint would be amended and that it would be made party to the suit. The notice further stated that the matter will be mentioned today for interim reliefs.

6. Considering the fact that this matter had to be moved

urgently and considering the fact that the plaintiff is presently locked in prison, I would not have hesitated to grant interim reliefs merely on the ground that the Chamber Summons had not been moved to implead UTV Software Communications Limited. Indeed Mr.Madon, the learned senior counsel appearing on behalf of UTV Software Communications Limited (UTV) did not even raise this technical objection. He however, raised an objection that UTV had not been served with a draft amendment. Even that would not have stopped me from passing the order absent anything else.

7. The film was given publicity in the month of April this year. The film is now ready. It is due to be released in less than twenty four hours. Mr.Madon states that UTV Software Communications Limited has already parted with possession of the copies of the film to the exhibitors and/or sub-distributors all over the world. It would be impossible at this stage therefore, to recall the prints of the film from all of them. Further any order would affect such exhibitors and/or sub-distributors, who are not before the Court.

8. Considering the fact that the making of the film was given publicity in the month of April of this year itself and the fact that the parties who would be affected by the order are not before the Court, it is difficult to grant an ad-interim order even assuming that the plaintiff is otherwise entitled to the same.

9. Considering the paucity of time and the absence of the

concerned parties before this Court, it is difficult to reject the submissions made on behalf of defendant Nos.1 and 2 that the film has nothing whatsoever to do with the said case. Categorical and express statements have been made to this effect in a letter dated 9.8.2011. Mr.Tulzapurkar repeated and reiterated the contents thereof on behalf of defendant Nos.1 and 2 and in particular the statements made in paragraphs 4 to 7 of the said letter. This indeed is also one of the reasons for not considering the application for ad-interim reliefs.

10. It was submitted on behalf of the plaintiff that the matter being sub-judice, the defendants ought not to have made the said film. It is also contended that the statements made on behalf of defendant Nos.1 and 2 in Court and in the above letter dated 9.8.2011 are false. If the film constitutes contempt of court for any reason that may well be a different matter. I express no views on that, at this stage. Any action taken or to be taken hereafter by the defendants and UTV Software Communications Limited is entirely at their risks as to the consequences thereof including for contempt and perjury.

11. In the circumstances, no ad-interim orders. UTV Software Communications Limited shall furnish a list of the parties, to whom it has distributed the said film.

The Notice of Motion to be heard in normal course.

All parties to act on an ordinary copy of this order duly authenticated by the Private Secretary/Associate of this Court.