

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION (L) NO. 1936 OF 2015**

IN

**SUIT (L) NO. 731 OF 2015**

Phantom Films Private Limited ... Plaintiff

Versus

Sonali Cable Vision Private Limited & Ors. ... Defendants

Mr. Venkatesh Dhond Sr. Advocate a/w Mr. Rashmin Khandekar, Mr. Ameet Naik, Ms. Madhu Gadodia, Mr. Rahul Mehta i/b Naik Naik and Company for the Plaintiffs.

Mr.Parekh i/b Thakore Jariwala & Associates for Defendant No. 1

**CORAM : S.J. KATHAWALLA, J.**

**DATE : JULY 22, 2015**

**P.C. :**

1. The present application is for relief in the nature of a “John Doe order”. It is the case of the Plaintiff that some known Defendants, who are arraigned as Defendant Nos.1 to 2 to the present suit, and other unknown persons are likely to infringe the copyright of the Plaintiffs in a film titled “Masaan” co-produced by the Plaintiffs. The Film was released internationally on 24<sup>th</sup> June 2015 and is scheduled for release in India on 24<sup>th</sup> July 2015.

2. The basis of the Plaintiff's apprehension is that prior to the release of the film “Masaan”, the Plaintiff has on 18<sup>th</sup> July 2015, come across

several links on the internet which offer a facility of free download of the Plaintiff's movie "Masaan" from these links and websites. Currently these links are dormant. However, it is the case of the Plaintiff that considering the experience of the Plaintiff and other producers of films of the unlawful piracy trade operating in the country, these links will be activated immediately after the release of the movie; the movie would be illegally recorded and copies would thereafter be illegally made available for free download on these sites. It is the case of the Plaintiff that once this is accomplished, it will be well nigh impossible for the Plaintiff to monitor the recipients through free downloads from these sites and further proliferation of pirated copies of the Plaintiff's movie. The Plaintiff has disclosed these links in the plaint.

3. Our Court, like several other High Courts, has passed similar orders based on apprehensions of a breach of copyright. By an order dated March 20, 2015 in the case of Shemaroo Entertainment Ltd. Vs Gujarat Telelink Pvt. Ltd. & Ors. this Court passed an order granting reliefs in similar set of facts.

4. As in other cases, even in the present case, the injunction sought does not pertain to any inter se dispute regarding production of the film, but seeks only to restrain any potential damage and loss likely to be

caused to the Plaintiff, if pirated copies are allowed to be circulated in the market.

5. In the premises, I am satisfied that urgent ad-interim reliefs are necessary in the matter even without notice to the known Defendants viz. Defendant Nos. 1 and 2. There will be an ad-interim order in terms of prayer clauses (a) and (b) of the Notice of Motion. The Defendants are restrained from infringing the Plaintiff's copyright in any manner whatsoever. The concerned police station, in whose jurisdiction pirated copies, if any, are found to be circulated shall render all assistance to the Plaintiff in the matter, in accordance with prayer clause (e).

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

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

8. Replies to be filed and served within three weeks. Place this Notice of Motion for hearing on 19<sup>th</sup> August, 2015, first on board.

**(S.J. KATHAWALLA, J.)**