

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION (L) NO. 1826 OF 2013
IN
SUIT (L) NO. 782 OF 2013**

Paras Jaiswal :- **Plaintiff**
versus
Playtime Creations
and Ors. :- **Defendants**

Mr. Jamshed Mistry with Ms. Soniya Sharma, i/b. Ms. Saveena Sachar,
for the Plaintiff.

Dr. B. B. Saraf with Mr. Amit Naik, Ms. Madhu Gadodia, Ms. Anushree
Rauta, i/b. M/s. Naik Naik and Co., for Defendant Nos. 1 to 4.

Mr. U. R. Dhond-Senior Advocate with Mr. Amit Naik, Ms. Madhu
Gadodia, Ms. Anushree Rauta, i/b. M/s. Naik Naik and Co., for
Defendant Nos. 6 to 14.

CORAM :- S.J.KATHAWALLA, J.
DATED :- SEPTEMBER 21, 2013

P.C. :-

The case of the Plaintiff is that the story "*Maamla Personal Hai*" has been copied by the Defendant No. 6 and is being telecasted in the form of serial named "*Pammi Pyrelal*" on TV Channel 'Colours' since 15th July, 2013. The Plaintiff has issued a notice to the Production House on 8th August, 2013 calling upon them to stop the telecast. The Defendants have, by their Advocate's letters dated 13th August, 2013 and 2nd September, 2013 refuted all the allegations made by the

Plaintiff, qua their copy rights in the story being infringed by the Plaintiff. The Defendants have also pointed out the differences qua the contents of the two stories.

2) The above Suit is filed on 5th September, 2013 and an application for at-interim reliefs is made today i.e. on 21st September, 2013. The last episode of the serial is due to be telecasted on 5th October, 2013. However, the learned Advocate appearing for the Plaintiff states that it is not his submission that the Court should at this stage restrain the Defendants from telecasting the said serial. His only submission today is that a Commissioner be appointed to go through the story of the Plaintiff and the serial/pilot episode of the Defendants' serial "Pammi Pyrelal" and submit his report to this Court, which will enable the Plaintiff to *inter alia* establish his case of breach of copyrights and in turn, enable him to recover damages as claimed. In view of the aforestated allegations, the question of appointing a Commissioner and passing of orders on the basis of his report does not arise. The Defendants shall, therefore, handover a DVD of serial "Pammi Pyrelal" to enable the Court to go through the same and compare it with the script of the Plaintiff. Stand over to 3rd October, 2013.

(S.J.KATHAWALLA, J.)