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

**NOTICE OF MOTION NO. 854 OF 2015  
IN  
SUIT (L) NO.271 OF 2015**

Shemaroo Entertainment Ltd.

...Plaintiff

VS

Gujarat Telelink Pvt. Ltd. &amp; Ors.

...Defendants

.....  
Mr Venkatesh Dhond Sr. Advocate a/w Rashmin Khandekar, Mahesh A.  
Mahadgut, Miloni Gala i/b Mahesh Mahadgut for the Plaintiff.  
.....

**CORAM : S.C. GUPTE, J.**

**MARCH 20, 2015**

**P.C. :**

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 5 to the present suit, who are Multi System Operators engaged in exhibiting and broadcasting television signals via cable TV network, and other unknown persons are likely to infringe the copyright of the Plaintiff in a film to be released today. The film is titled "**Hunterr**". The Plaintiff has approached this Court under emergent circumstances without notice to the Defendants, i.e. even the known Defendants.

2           The basis of the Plaintiff's apprehension is that on 19 March 2015, i.e. just a day prior to the release of the film "Hunterr", the Plaintiff has come across several links on the internet which offer a facility of free download of the Plaintiff's movie "Hunterr" 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. Several of such orders have been noted in an order passed by this Court on 14 October 2014, in the case of **Red Chillies Entertainment Pvt. Ltd. Vs Hathway Cable & Datacom Ltd<sup>1</sup>**.

4 As in those 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 any notice to the known Defendants, Defendant Nos.1 to 5. There will be an ad-interim order in terms of prayer clauses (a), (b), (c) and (d) of the Notice of Motion. 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 (d).

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.

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1 Notice of Motion (L) No.2366/2014 in Suit (L) No.993/2014

8 Replies to be filed and served within three weeks. Rejoinder, if any, to be filed within two weeks thereafter. Place this Motion for hearing on 5 May 2015.

( S.C.GUPTE J. )

Bombay High Court