

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 6546 OF 2012  
(Arising out of S.L.P. (C) No.27576 of 2012)

VISHESH FILMS INDIA PVT. LTD. Appellant(s)  
VERSUS  
KAPIL CHOPRA & ORS. Respondent(s)

O R D E R

Permission to file the special leave petition is granted.

Leave granted.

This appeal is directed against the interim order dated 21<sup>st</sup> August, 2012, passed by the Bombay High Court in Appeal (L) No.322 of 2012 in Notice of Motion (L) No.1490 of 2012 in Suit (L) No.1182 of 2012 and the final order dated 6<sup>th</sup> September, 2012, passed by the said High Court in Notice of Motion (L) No.1631 of 2012 in Appeal (L) No.322 of 2012 in Notice of Motion (L) No.1490 of 2012 in the said suit.

In the suit, the respondent No.1 has, *inter alia*, prayed for the following reliefs:

"(a) that the defendants, by themselves, the servants, agents, licensees, franchisees, partners, proprietors and/or otherwise

howsoever be restrained by an order of permanent injunction of this Hon'ble Court from theatrically and/or otherwise releasing the said Film Jannat 2 to the public;

(b) an order of permanent injunction against Defendants, by themselves, the servants, agents, licensees, franchisees, partners, proprietors and/or otherwise from (i) releasing or exhibiting or distributing the cinematographic film "Jannat 2" or any part thereof, in any manner or mode or medium or form, including via satellite/DVD/VCD etc; and/or (ii) reproducing the work of the Plaintiff in any material form including the storing of it in any medium by electronic means or by issuing copies of the work to the public not being copies already in circulation or by performing the work in public or by communicating it to the public or by making any cinematographic film or sound recording in respect of the work or by making any translation of the work or making any adaptation of the work of the Plaintiff.

(c) Without prejudice and only in the event of this Hon'ble Court not being inclined to grant prayers (a) and (b) above, an order and direction that the Plaintiff be given credit as the author and/or script writer of the said Film and additions be appropriately made to the prints/copies of the said Film and/or at the time of the screening/exhibition/telecast thereof to

reflect the same.

(d) A decree in favour of the Plaintiff and against the Defendant for a sum of Rs.10,00,000/- as and by way of damages for the aforesaid acts of breach of confidence and/or infringement of copyright;

(e) pending the hearing and final disposal of the present suit, the Defendants, by themselves, the servants, agents, licensees, franchisees, partners, proprietors and/or otherwise howsoever be restrained by an order of injunction of this Hon'ble Court from theatrically or otherwise releasing the said Film;

(f) pending the hearing and final disposal of the present suit, an order of injunction against Defendants, by themselves, the servants, agents, licensees, franchisees, partners, proprietors and/or otherwise from (i) releasing or exhibiting or distributing the cinematographic film "Jannat 2" or any part thereof, in any manner or mode or medium or form, including via satellite/DVD/VCD etc; and/or (ii) reproducing the work of the Plaintiff in any material form including the storing of it in any medium by electronic means or by issuing copies of the work to the public not being copies already in circulation or by performing the work in public or by communicating it to the public or by making any cinematographic film or sound recording in

respect of the work or by making any translation of the work or making any adaptation of the work of the Plaintiff;

(g) pending the hearing and final disposal of the present suit and only in the event of this Hon'ble Court not being inclined to grant the reliefs claimed, an order and direction that the Plaintiff be given credit as the author and/or script writer of the said Film and additions be appropriately made to the prints/copies of the said Film and/or at the time of the exhibition/release/screening/telecast to reflect the same;

(h) Ad-interim reliefs in terms of prayer clauses (e), (f) and (g) above;

(i) Cost of the suit be provided for;

(j) Any such further and other reliefs as the nature and circumstances of this case may require as this Hon'ble Court may deem fit and proper."

In the pending suit, certain interim orders were passed by the High Court, which are now the subject matter of the appeal.

However, when the appeal was taken up for consideration, Mr. Harish N. Salve, learned senior counsel appearing for the appellant, submitted on instructions, that his client is willing to concede the claim of the respondent No.1, as plaintiff in the suit,

as far as prayers (c) and (d), which are in the alternate, are concerned.

Accordingly, it has been submitted by Mr. Salve, that the appellant herein is ready and willing to give credit to the respondent-plaintiff in all future releases of the film. Furthermore, although, the respondent-plaintiff has prayed for a decree for a sum of Rs.10 lacs by way of damages, the appellant is ready and willing to pay a sum of Rs.20 lacs to the respondent-plaintiff by way of full and final settlement of all his claims.

The aforesaid offer made on behalf of the appellant herein is accepted on behalf of the respondent-plaintiff by his learned counsel and, accordingly, we withdraw the suit pending before the High Court to this Court and decree the same against the appellant in terms of prayers (c) and (d) to the plaint.

Let a decree be drawn up in terms of the said prayers only against the appellant herein.

Mr. Salve submits that the appellant shall make available the decretal sum to the respondent No.1, within two weeks from date.

The suit is disposed of accordingly. There will be no order as to costs.

Having regard to this order, the interim orders passed by the High Court do not survive any further and are vacated.

.....J.

CA 6546/2012

(ALTAMAS KABIR)

.....J.  
(J. CHELAMESWAR)

New Delhi;  
September 14, 2012.