

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

**NOTICE OF MOTION NO.568 OF 2017  
IN  
COMMERCIAL SUIT NO.665 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Rashmin Khandekar a/w Mr.Vikrant D. Shetty  
i/b Mr.Bimal Rajasekhar for the applicant

Mr.Dujendra Kumar Sharma with Mr.Prateek  
Sharma for the defendants

**CORAM : K. K. TATED, J.**

**DATE : OCTOBER 13, 2017**

**P.C.:**

1. Heard.
2. Advocate Mr.Dujendra Kumar Sharma submits that he received instructions from the defendants to file his Vakalatnama and appear in the present matter. He submits that he requires time till 3.11.2017 to file his Affidavit-in-Reply with copy to other side.
3. The learned counsel for the plaintiff submits that pursuant to the order dated 21.9.2017 passed by this court, after seeing the movie they prepared the chart of similarity between plaintiff's work and

film produced by the defendant 'Umeed'. He placed on record list of similarities between plaintiffs work and the film dated 6.10.2017. He submits that though the learned counsel for the defendant made a statement that they are releasing the film on 17.11.2017, till that time, ad-interim relief be granted in terms of prayer clause (b) of the Notice of Motion. He submits that as the film is already completed, the word 'producing' appearing in line 6 of the prayer clause (b) be deleted.

4. Considering the submissions made by the learned counsel for the petitioner and the list of similarities placed on record and as advocate for defendant is seeking some time to file reply with copy to other side, I am satisfied that the Applicant has made out a case for ad-interim relief till next date in terms of prayer clause (b) excluding the word 'producing' appearing in line 6 of the prayer clause (b). Hence, following order is passed:

A) There shall be an ad-interim relief in terms of prayer clause (b) excluding the word 'producing' till next date which reads thus:

*“(b) pending the hearing and final disposal of the suit, the Defendants by themselves, their servants and/or agents and/or licencees and/or franchisees and/or employees or any other person/s claiming through and/or under the Defendants howsoever be restrained by a temporary order and injunction of this Hon'ble Court from in any manner whatsoever making, distributing, broadcasting, communicating to*

*the public, adapting, telecasting and/or otherwise communicating on any medium the said film "UMEED" so as to infringe the Plaintiff's copyright in the copyrighted work/s as contained in Exhibit-"A" and/or Exhibit-"L" and/or Exhibit-"N" and/or Exhibit-"O" to the Plaintiff and/or the Plaintiff's confidential step outline and screenplay either individually or collectively."*

- B) Defendant to file their Affidavit-in-Reply if any on or before 3.11.2017 with copy to other side.
- C) Matter to appear on board on 10.11.2017.

**(K.K.TATED, J.)**