

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1933 OF 2016
IN
SUIT (L) NO. 692 OF 2016**

Yash Raj Films Pvt. Ltd. ...Plaintiffs
Versus
Bharat Sanchar Nigam Ltd. & 49 Ors. ...Defendants

**Mr. V. R. Dhond, Senior Advocate, with Mr. Shailesh Mandon, a/w
Mr. N. Rodriguse, i/b R. M. Partners, for the Plaintiffs.**

**CORAM: G.S. PATEL, J
DATED: 4th July 2016**

PC:-

1. This is an application for an *ex parte* ad-interim reliefs in a John Doe/Ashok Kumar *quia timet* action in the usual form. The film in question is **Sultan** and it is scheduled for release on 6th July 2016. There is, therefore, urgency in the matter.

2. Being aware that I have recently expressed some reservations about granting over broad injunctions in these matters, Mr. Dhond for the Plaintiffs tenders an Additional Affidavit dated 4th July 2016 of one Mr. Anand Gurnani, an authorised signatory of Plaintiffs.

3. In this Affidavit, the Plaintiffs say that they engaged the services of an anti-piracy agency, Aiplex Software Private Limited. On the Plaintiffs' instructions, Aiplex identified a list of some 102 weblinks (not URLs that point to entire websites) in relation to illicit downloads of the film in question. I must note that the list may be actually shorter since some of the items in this list pertained to another film *Great Grand Masti*.

4. I have today separately passed an order on a similar application for protection against illicit downloads of that film. There is no reason why the same principle and approach that I took in the *Great Grand Masti* order should not apply to this case as well. Mr. Dhond readily agrees that the existing prayers in the Motion are too wide. He tenders a draft amendment to the Motion. It is taken on record and marked "X" for identification. Amendment to be carried out forthwith in Court, without need of reverification.

5. I am satisfied that this is ample material for the grant of the relief that Mr. Dhond now seeks. There will, therefore, be an ad-interim injunction in terms of prayer clause a(iv), which reads as follows:

"(a) iv. Grant an order of temporary injunction directing the Defendants to take measures to block access to the urls/web links at page 10 of the Additional Affidavit dated 4th July 2016 and/or other active urls/weblinks which contain or purport to contain, an infringing or illicit copy of the said Film "**SULTAN**" or part thereof, upon the Plaintiffs or their authorised representatives,

providing details of such infringing urls/ web links to the Defendants or upon the Senior Inspector of the Cyber Police Station, Bandra Kurla Complex notifying the Defendants about the same;"

6. I am making it clear that the Plaintiffs will be at liberty to move against all or any of the URLs set out in the additional Affidavit if these they are found to be active. In other wards, it is not expected that these links should be active today at the time when this order is passed.

7. In addition, the Plaintiffs will be at liberty, without further reference to Court, and during the time when this order is operative, to approach the Cyber Crime Cell with any other weblink or URL pointing to an individual download. Before the Cyber Crime Cell the Plaintiffs will place such material had it has obtained verifying that download. Of course, the Cyber Crime Cell is also expected to carry out an independent assessment before acting further in the matter.

8. As regards intermediaries and cable/DTH operators, there will be an injunction restraining them from making any broadcast or making available any form of download of this film without a specific written authorisation from the Plaintiffs.

9. The Plaintiffs will comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 in respect of the named Defendants within a period of one week from today. The Plaintiffs will also be at liberty to issue a public notice setting out the

substance of this order. This will be a sufficient service on the John Doe Defendants.

10. Liberty to any of the named Defendants to apply for a variation, modification or recall of this order after four clear working days' notice to the Advocates for the Plaintiffs.

11. This injunction will operate till 4th October 2016.

12. List the Notice of Motion on the supplementary board for further ad-interim reliefs on 3rd October 2016.

13. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)