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K.S. Jadhav

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

INTERIM APPLICATION (L) NO. 33390 OF 2022

IN

COMMERCIAL SUIT NO.33386 OF 2022

Azure Entertainment Pvt. Ltd.

...Applicant/
Plaintiff

Versus

Maruti International & Ors.,

...Respondents/
Defendants

Senior Counsel Shri Ashish Kamat a/w Mr. Anand Mohan a/w Mr. Nishit Dhruva a/w Mr. Lavin Hirani a/w Ms. Khushbu Chajjed a/w Mr. Shahbaz Malbari and Mr. Varun Gopala Krishnan i/b MDP & Partners, Advocates for Applicant/Plaintiff.

Senior Counsel Mr. Sharan Jagtiani a/w Mr. Hiren Kamod a/w Mr. Ankoosh K. Mehta a/w Ms. Sarah Navodia i/b Cyril Amarchand Mangaldas, Advocates for Defendant Nos. 1 and 2.

Mr. Rashmin Khandekar a/w Ms. Megha Chandra i/b AB Legal, Advocates for Defendant No.4.

CORAM : R.I. CHAGLA, J.

DATE : 20th October, 2022

ORDER :

1. Heard the learned counsel for the parties.
2. By this Interim Application the Applicant/Plaintiff is seeking

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urgent Ad-interim relief with regard to deposit of the sum which is being paid by Defendant No.4 to Defendant No.1 under the T-Series Agreement.

3. In Paragraph 21 of the plaint it is stated that the subject Film is in post production stage and is going to be released on 25th October, 2022. Defendant No.4 has already paid an amount of Rs.8 crores and that as per Clause 11 of the Second Addendum Agreement No.2, the Defendant No.1 through its Partners were liable to immediately intimate the Plaintiff of the same in writing and Defendant No.1 shall immediately transfer/make payment of the Plaintiff's Producer Fee plus GST to the Plaintiff. The Interim Application has been taken out on 18th October, 2022.

4. The Applicant/Plaintiff is seeking urgent Ad-interim relief though knowing full well that film is already at the post production stage and / or the release of the Film had been notified on 09th September, 2022. Thus, at this stage it will not be possible to consider the application for Ad-interim relief, particularly, considering that the Defendants have sought time to file an Affidavit-in-Reply to the Interim Application, as the Defendant Nos. 1 to 3 as well as

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Defendant No.4 have disputed the claim of the Applicant/Plaintiff. Further, Prayer in the suit is for monetary decree of a sum of Rs.4.5 crores from Defendant No.1 to 4 jointly and severally.

5. Accordingly, Defendant Nos. 1 to 3 and Defendant No.4 shall file Affidavits-in-Reply on or before 11th November, 2022.

6. The Applicant/Plaintiff are at liberty to file Affidavit-in-Rejoinder within a period of one week.

7. Place Interim Application for Ad-interim relief on 22nd November, 2022.

[R.I. CHAGLA J.]