

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.547 OF 2007**

Super Cassettes Industries Ltd.Plaintiff
Versus
M/s. Dhariwal Films Pvt. Ltd. and Ors.Defendants

Mr. Ashok Singh, for Plaintiff.

Mr. S. Upadhyay i/by Mr. A.M.Saraogi, for Defendant No.1.

Mr. Rashmin Khandekar i/by M/s. Naik Naik Iyer and Co., for Defendant No.5.

CORAM: S.J.KATHAWALLA, J.

DATE: 25th APRIL 2013

P.C. :

1. Heard the learned Advocates for the parties and by consent, the following issues are framed in the above Suit :

(1) Whether the Plaintiff proves that by a Deed of Assignment dated 30-05-2002, video rights in the film “Nehle Pe Dehla” were lawfully assigned by Defendant No.1 and 2 in favour of the Plaintiff ?

(2) Whether the Plaintiff proves that an Agreement dated 28-08-2002 was executed out of abundant caution between the Plaintiff and Defendant No.1 for all India Vodeo Rights in the film “Nehle Pe Dehla”?

(3) Whether the Plaintiff proves that it is the sole and exclusive distributor and owns copyright in respect of the film “Nehle Pe Dehla” as set out in prayer clause (a) ?

(4) Whether the Plaintiff proves that the Agreement dated 31-03-2005 executed between Defendant No.1 and Defendant No.3 is void, illegal and/or unenforceable ? (para 12 Plaintiff, 24 WS) ?

(5) Whether Defendant No.1 and/or Defendant No.3 prove that the Plaintiff's claims are based on forged and fabricated documents and accordingly he is not entitled to any reliefs (para 4, 7, WS 11 and 13) ?

(6) Whether the Suit is liable to be dismissed for non-payment of appropriate court fees ?

(7) Whether the Suit is not maintainable for non-joinder of necessary parties ?

(8) What Reliefs ?

(9) What Order ?

2. The Plaintiffs to file their Affidavit of Evidence, Affidavit of Documents along with Compilation of Documents on or before 10-06-2013. The Defendants to also file their Affidavit of Documents and Compilation of Documents on or before 10-06-2013. Stand over to 11-06-2013 for 'Directions'.

(S.J.KATHAWALLA, J.)