

MHCC040046262026



**IN THE CITY CIVIL COURT AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

NOTICE OF MOTION NO.1841 OF 2026
IN
S. C. SUIT NO. 1128 OF 2026

Mr. Santosh Kumar R..S.] **...Plaintiff**

Versus

Mr. Aditya Dhar & 7 Others] **...Defendants**

Plaintiff : Ld. Advocate V. K. Dubey
Defendant Nos.1 & 2 : Ld. Advocate Chirag Mody a/w.
Ld. Advocate Parag Khandhar i/b.
DSK Legal
Defendant Nos.4 : Ld. Advocate Sushma Singh a/w.
Ld. Advocate Ashwin Unrikar and
Ld. Advocate Priyal Gandhi i/b.
SHS Chamber
Defendant No.7 : Ld. Advocate Vinayika Shahi i/b.
Naik Naik and Co.

**CORAM : H.H. AD-HOC JUDGE CITY CIVIL COURT
SHRI Y. M. H. KHARADI (C.R.NO.04)**

Date : 04th June, 2026

:: ORDER ON AD-INTERIM RELIEF ::

1. By this Notice of Motion, plaintiff prayed for ad-interim relief.
2. **The brief contention of plaintiff is that :-**
The plaintiff has filed the suit for declaration and injunction for which much time is required, therefore by this Notice of Motion, prayed for ad-interim relief.
3. Today, defendant Nos.1, 2, 4 and 7 appeared and strongly resisted the relief claimed by the plaintiff. Other defendants even though served by the plaintiff, failed to appear, hence proceeded ad-interim relief in their absence.
4. Perused the Notice of Motion, affidavit, affidavit in reply of defendant Nos.1, 2, 4 and 7. Heard Learned Advocate for plaintiff and defendants.
5. Learned Advocate for the plaintiff submitted that defendant Nos.1 and 2 have copied the story, therefore by way of interim relief, plaintiff prayed for appointment of Court Commissioner and ad-interim relief not release on the OTT platform. It is submitted that plaintiff has through e-mail informed to the defendants and in between the script of

plaintiff and defendant Nos.1 and 2 there is similarity, therefore plaintiff suffered loss. That the story and dialogues of plaintiff and defendant Nos.1 and 2 are same, therefore it is necessary to restrain the defendants. It is also submitted that the Hon'ble High Court of Karnataka has disposed off the Writ Petition with the direction to file suit. Therefore, this Court has jurisdiction to entertain the suit.

6. Per contra, Learned Advocate for defendant Nos.1, 2, 4 and 7 submitted that as per Section 52 of The Copyright Act 1957, this Court has no jurisdiction to entertain the suit. It is further submitted that the dispute in the suit seem to be of commercial in nature, therefore present suit is not maintainable before this Court. It is submitted that the plaintiff has not made party to the OTT platform, but seek relief against him. Therefore, the suit is bad for non-joinder of necessary party. It is submitted that plaintiff has suppressed the material fact about the dismissal of Writ Petition, therefore he has not come with clean hands, hence he is not entitled for the reliefs claimed.

7. Further submitted that the defendant Nos.1 and 2 registered their script prior to the plaintiff and even though the movie is released in December-2025, plaintiff has not taken any steps and the Part-2 i.e sequel was released, but there is opening of OTT today, that cannot be stayed. Further submitted that the plaintiff has not produced the script and dialogues which shows the comparative history.

8. It is submitted that defendant had filed the suit against the plaintiff for injunction and before the Hon'ble High Court plaintiff has

apologizes. It is further submitted that as per the documents of plaintiff, the story is in the custody of others and plaintiff informed that without contract it cannot be used. It is submitted that the story of plaintiff and defendants is different, but the plaintiff has not shown the comparative statements, therefore he is not entitled for the relief as claimed. Further submitted that plaintiff has not made party to Reliance Group, even though he has knowledge that Jio is under the control of Reliance. Further submitted that as per Section 52 there is bar and further submitted that the reliefs claimed in the suit and interim reliefs are same, therefore they cannot be granted without scrutiny and verification. Therefore, prayed to reject the ad-interim relief.

9. Considering the submissions and on perusal of the plaint, plaintiff has specifically pleaded about the jurisdiction of this Court. Considering the documents produced by the plaintiff at page No.141 of the plaint, it is prima facie shown that the said story is written by Santosh Kumar and it is informed that the original script is with you and further contended that do not work without formal contract being signed by both the parties, that will prima facie shown that the original story was given by the plaintiff to others. It is also prima facie shown that the movie was released in December-2025 and the second part was released. As per contention, plaintiff got knowledge in March-2026, but suit is filed in May-2026 i.e after two months.

10. Considering the documents produced by defendant Nos.1 and 2, prima facie it shows that the plaintiff has filed Writ Petition before the Hon'ble High Court of Karnataka at Bengaluru, that was dismissed,

reserving the liberty to the petitioner to avail an appropriate remedy in accordance with law before the Competent Forum. But that fact was not disclosed by the plaintiff, that will prima facie shown that he has not come with clean hand.

11. Considering the reliefs claimed and the plaint, the plaintiff has not made party to the OTT platform, but seeks relief in respect of OTT platform which is not justifiable in absence of party made to OTT platform. Prima facie it also shows that defendant has create third party right and from the plaint and documents, no such comparison was produced by the plaintiff to show the similarity of script and dialogues and unless and until that is verified the relief of injunction and appointment of Court of Commissioner cannot be granted.

12. Defendants have raised the objection about copyright, but the plaintiff has not pleaded about the copyright, therefore at this stage of ad-interim relief, it is not justifiable to discuss about the Copyright Act and jurisdiction of Court and whatever case laws cited by the defendants, at this stage are not considered. But prima facie plaintiff has not made out the case to show the similarity of script and dialogues and already the movie was released in December-2025 and second part also released, but today there is domestic release on OTT platform, but plaintiff has not made out party to the OTT platform, therefore balance of convenience also does not lie in favour of plaintiff. Hence, if ad-interim relief is granted in favour of plaintiff, it will cause irreparable loss to the defendants. If the plaintiff is succeeded in the suit, he can claim compensation, hence no irreparable loss would be caused to him.

Hence, plaintiff is not entitled for ad-interim relief. Hence, in my view, for the above reasons, the prayer of plaintiff for ad-interim relief is liable to be rejected. In the result, I pass the following order :-

ORDER

Prayer of plaintiff for ad-interim relief rejected.

Date: 04.06.2026

(Y. M. H. Kharadi)

Ad-hoc Judge, City Civil Court,
Dindoshi, Borivali Division,
Goregaon, Mumbai.

Directly dictated on Computer on : 04.06.2026

Checked and Signed on : 04.06.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 04.06.2026 Time : 03:28 P. M. UPLOAD DATE AND TIME	Miss Mayuri Anil Manjrekar (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court Room Number)	HHJ Shri Y.M.H. Kharadi (Court Room No.04)
Date of Pronouncement of Judgment/Order	04.06.2026
Judgment/Order signed by P. O. on	04.06.2026
Judgment/Order uploaded on	04.06.2026