

ITEM NO.18

COURT NO.8

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8382/2022

(Arising out of impugned final judgment and order dated 29-04-2022 in IA No. 1/2022 passed by the High Court for the State of Telangana at Hyderabad)

M/S SUPER CASSETTES INDUSTRIES PRIVATE LIMITED
(T SERIES)

Petitioner(s)

VERSUS

NANDI CHINNI KUMAR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.67663/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67653/2022-APPLICATION FOR PERMISSION and IA No.68155/2022-APPLICATION FOR PERMISSION)

Date : 05-05-2022 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. C.A. Sundram, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Amit Naik, Adv.
Mr. Harsh Kaushik, Adv.
Ms. Madhu Gadodia, Adv.
Mr. Pranjit Bhattacharya, Adv.
Mr. Sachin Akhoury, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. D. Bharat Kumar, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Aman Shukla, Adv.
Mr. M. Chandrakanth Reddy, Adv.
Mr. Gopal Jha, AOR

UPON hearing the counsel the Court made the following
O R D E R

Let the special leave petition be listed for final disposal on
12.05.2022.

It will be open to the respondents to file the counter affidavit in the meanwhile, disclosing documents on which they may rely upon, if they so choose.

This special leave petition is against an interim order dated 29.04.2022 passed by the High Court for the State of Telangana at Hyderabad in IA No. 1/2022 in Commercial Revision Petition No. 1003 of 2022 whereby the High Court has passed an unreasoned interim order directing the parties to maintain *status quo* with regard to release of the film "Jhund" which is the story of a Football coach, namely, Vijay Barse being the Respondent No.3. The film was released in cinema halls across India and abroad on 04.03.2022. In March 2022, public announcements were made to the effect that the film would be released on OTT Platforms on 06.05.2022, i.e., tomorrow. The Respondent No.1 claims to be the assignee of the rights over the life story of Akhilesh Paul who also features in the film "Jhund".

The Respondent No.1 issued legal notices to the petitioner and others associated with the production of the film "Jhund". Legal proceedings were also initiated. However, a settlement agreement was arrived at on 21.10.2020 pursuant to which a compromise decree dated 07.01.2021 was passed by the District Court Kukatpally recording that the matter had been settled for Rs.5,00,00,000/- and that the said amount had been received by the respondent No.1. Thereafter, the petitioner entered into agreements for release of the film on OTT platforms. On 28.02.2022, the Respondent No.1 had filed an application for recall of the compromise decree dated

07.01.2021 contending that the compromise decree was vitiated by fraud. On 03.03.2022, while the application for recall of the compromise decree was awaiting orders, the Respondent No.1 filed a writ petition seeking orders restraining release of the film "Jhund". The writ petition was dismissed by an order dated 04.03.2022. On the same day, the District Court Kukatpally dismissed the application of Respondent No.1 for recall of the compromise decree. On 20.04.2022, long after release of the film "Jhund" in cinema halls, the Respondent No.1 filed the Civil Revision Petition No. 1003 of 2022 which has given rise to the order impugned in this special leave petition.

It, *prima-facie*, appears to this Court that the order of *status quo* passed by the High Court is clearly against the balance of convenience. There is a compromise decree which is still subsisting. As observed above, the film has been released in cinema halls way back in early March, 2022 and is scheduled for OTT/Satellite release tomorrow, i.e., 06.05.2022. The High Court has apparently not considered the principles with regard to grant of interim relief and, in any case, the claim, if any, of the Respondents No.1 is a money claim.

The impugned order of the High Court shall remain stayed in the meanwhile.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)