

(2003) 05 SC CK 0012
In the Supreme Court Of India
Case No : Appeal No. 223 of 2003

Barbara Taylor Bradford and Others	APPELLANT
Vs	
Sahara Media Entertainment Ltd. and Another	RESPONDENT

Date of Decision : 12-05-2003

Acts Referred:

Citation : (2003) 05 SC CK 0012

Hon'ble Judges : Shivaraj V. Patil, J;N. Santosh Hedge, J

Bench : Division Bench

Advocate : A.K. Ganguli and Parag P. Tripathy, Mamta Tiwari, Manish Bhatnagar, Kapil Chaudhary and Swati Sinha, for Fox Mandal and Co, for the Appellant;

Final Decision : Dismissed

Judgement

1. In view of the urgency pleaded, we entertain this special leave petition. We have heard learned counsel for the petitioners. It is submitted before us that there is a clear admission by the respondent No. 3 Shri Akashdeep Sabir in an interview given by him on 2nd May, 2003 that the serial in question is based on a novel written by the petitioners herein. It is submitted taking into note of this admission as also the argument of the learned counsel for the respondents who appeared before the learned Single Judge, that the petitioners here in suppressed the material fact of having filed a suit in the Bombay High Court and withdrawing the same, as also the further argument of the respondents that the Calcutta High Court did not have the pecuniary jurisdiction to entertain the suit in question, the learned Single Judge confirmed the earlier ex-parte injunction granted in favour of the petitioners herein. The further submission of the learned counsel for the petitioners is that the Appellate Bench of the High Court without noticing any one of these facts has allowed the appeal filed by the respondents vacating the injunction granted by the learned Single Judge.

2. It is also submitted that the serial in question is to be telecast for the first time today at about 9.30 p.m. and if the same is permitted the petitioners will be put to irreparable loss, hence, they seek an ad-interim stay of the impugned

order of the Appellate Bench of the High Court.

3. We notice that the petitioners have not been able to produce the copy of the impugned order but the gist of the order has been narrated in the documents annexed with the SLP papers as also an affidavit of urgency filed by the learned counsel and based on the oral submissions made on behalf of the petitioners and accepting the same to be correct, we think it appropriate that an interim order of the stay of the appellate order should be issued. Accordingly, we stay the impugned order.

4. Issue notice.

5. List this matter for further orders on 14.5.2003. The petitioners shall serve the respondents in the meanwhile. Dasti service in addition is permitted. The petitioners are given liberty to communicate this order to the concerned respondents in view of the urgency involved in the matter.

6. The order of the Division Bench made in Appeal Tender No. 223 of 2003 arising out of C.S. No..... of 2003 dated 12th May, 2003 is stayed until further orders.