

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.251 of 2020**

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Netflix Entertainment Services India LLP having its office at Level 7, 4th North Avenue, Maker Maxity, Bandra Kurla Complex, Bandra (East), Mumbai 400051 through authorized signatory Smt. Priyanka Chaudhari, (Female), aged about 34 years, D/o Mr. Vinay Chaudhari, R/o Jeevan Sarita, B Wing, 5th Floor, 502, Tejpal Scheme Road No. 2, Vile Parle (East), Mumbai 400057.

... .. Appellant/s

Versus

1. Sahara India, Through its Sector Manager, Namely, Indrajit Singh, Having his office at Sahara India, Ashram Road, Ward No. 14, P.S. Distt. Araria, Araria 854311.
2. Minnow Films Ltd, 58-60, Rivington Street, London, EC2A 3AU, Represented through its CEO, Mr. Morgan Matthews (Producer/Director).
3. Mr. Nick Read, Film Director, C/o M/s Minnow Films 58-60, Rivington Street, London EC2A 3AU.
4. Ms. Reva Sharma, Producer, C/o M/s Minnow Films 58-60, Rivington Street, London EC2A 3AU.
5. Ms. Srishti Behl Arya, Director-International Originals C/o Netflix Entertainment Services India LLP, Level 7, 4th North Avenue, Maker Maxity, Bandra Kurla Complex, Bandra (East), Mumbai 400051.

... .. Respondent/s

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**Appearance :**

For the Appellant/s :

Mr. Ranjit Kumar, Sr. Advocate.  
Mr. Amit Shrivastava, Advocate.  
Mr. Girish Pandey, Advocate.  
Ms. Twisha Shrivastava, Advocate.  
Mr. Thomas George, Advocate.  
Ms. Tanvi Sinha, Advocate.  
Mr. Manas Gaur, Advocate.

For the Respondent  
nos. 2 to 4 :

Mr. P. K. Shahi, Sr. Advocate.  
Mr. Mayank Rukhaiyar, Advocate.  
Mr. Kaushik Moitra, Advocate.  
Ms. Sonam Gupta, Advocate.  
Ms. Ishita Jain, Advocate.  
Ms. Karnika Vallabh, Advocate.  
Ms. Sonakshi Banerjee, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      18-09-2020                      This matter has been taken up through Video Conferencing.



Let the defects be removed within two weeks of the start of physical functioning of the Court.

Heard Mr. Ranjit Kumar, learned senior counsel for the appellant and Mr. P. K. Shahi, learned senior counsel for respondent nos. 2 to 4.

Mr. Amit Shrivastava, learned counsel for the appellant submits that respondent no.1, who is plaintiff in the suit, has already filed Caveat in the High Court and in response to the notice of the Caveat, the appellant has already served a copy of the memo of appeal through e-mail to respondent no.1. However, no one appears on behalf of respondent no.1.

Let notice go to the respondent nos. 1 and 5 through e-mail and if it is not possible to send notice through e-mail, let it be served through both the processes. Requisites etc. must be filed within ten days.

Respondent no.1, Sahara India, through its Sector Manager, brought Title Suit No. 220 of 2020 in the Court of learned Sub-Judge-I, Araria for issuance of permanent/mandatory injunction restraining the defendants including the appellant herein and their employees / agents / associates from releasing the documentary serial titled “ Bad Boy Billionaires: India”.



In the Suit, prayer was on the ground that the defendants had initially contacted the plaintiff for his cooperation in preparation of a documentary serial titled “Billionaires” to depict the life history of the people who were involved in the economic growth of India. However, when the trailer of the serial was published on 20.08.2020, its title was “Bad boy Billionaires” containing defamatory and scandalous contents against the plaintiff. The documentary serial was to be premiered on 02.09.2020 and it was to be displayed on 03.09.2020.

By the impugned order dated 28.08.2020, the learned court below has granted ex-parte ad interim injunction in favour of the plaintiff/respondent no.1.

Learned senior counsel for the appellant submits that though e-mail address of all the defendants were mentioned against their respective names in the plaint, the Court below ignored issuance of notice to the defendants through e-mail giving at least 24 hours or 48 hours time for hearing before passing the impugned order and avoided notice on the plea of prevailing pandemic COVID-19. Learned senior counsel for the appellant further submits that the contents of the documentary was neither produced before the learned court below nor court



below had occasion to examine the same to prima facie satisfy that the same contains scandalous remark and as such the plaintiff has got a prima facie case for grant of ad interim injunction in his favour. Only bald statement made in the plaint has been relied upon by the learned court below for recording a finding that the plaintiff has got a prima facie case. His next contention is that the entire plaint would reveal that the documentary would tarnish the public image of Mr. Subrata Roy Jee and Mr. Subrata Roy Jee is not a party to the Suit, therefore, the partnership firm i.e Sahara India has no locus standi to raise the aforesaid issue before the Court of law on behalf of an individual partner Mr. Subrata Roy Jee. He next contends that the trial court has no territorial jurisdiction to entertain the suit.

The impugned order reveals that the learned court below has exercised power under proviso to Order 39 Rule 3 CPC which empowers the Court to grant ad interim injunction without giving notice of the application to the opposite party. However, the impugned order reveals that the case has been adjourned for 02.12.2020 whereas Rule 3-A CPC says that in such circumstances when ad interim injunction has been passed without notice to opposite party, the application should be disposed of within thirty days from the date on which injunction



was granted.

Since the parties have already appeared and the impugned order is interim in nature, let the appellant raise the aforesaid points before the trial judge who shall pass a reasoned order according to law within two weeks from the date of receipt/production of a copy of this order.

The defendants shall file their response before the Court below at the earliest, after serving a copy of the same to the appellant or to learned counsel for the appellant appearing in the case, so that the injunction matter can be finally disposed of by the trial judge within the time aforesaid.

List this matter on 19.10.2020 retaining its position.

**(Birendra Kumar, J)**

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