

**IN THE COURT OF SENIOR CIVIL JUDGE, PATIALA HOUSE COURT, NEW
DELHI**

SUIT NO. OF 2020

APARNA BHAT

...PLAINTIFF

VERSUS

MEGHNA GULZAR & ORS.

...DEFENDANTS

SUIT FOR PROHIBITORY/MANDATORY INJUNCTION

MOST RESPECTFULLY SUBMITTED:

1. That the plaintiff is an advocate practising in the Supreme Court of India since 1992. She is known to take up cases of the poor and vulnerable. As part of her work, she has represented children, women, Dalits and many other underprivileged in the Country. She has on more than occasion been appointed as AC to assist the court in cases related to children and women.
2. That between 2005 and 2015, the Plaintiff represented one Ms. Lakshmi in her case where she was brutally attacked with acid. The Plaintiff was her lawyer in the criminal trial, represented her in the High Court and also filed a PIL on her behalf in the Supreme Court of India. She took up all these cases pro bono and she was able to get justice to the victim/survivor, Ms. Lakshmi Agrawal. The work of the plaintiff went on to win various accolads for Ms. Agrawal including an award from Ms. Michele Obama, the first lady of the USA.
3. That sometime in the year 2016, the Defendant No.1 Ms. Meghna Gulzar approached the Plaintiff herein with regard to the making of a film which is now titled "Chhapaak" on the acid attack case of Ms. Laxmi since the Plaintiff had been her lawyer and had access to all the documents with regard to the case.

4. That the Defendant No. 1 had shared a rough draft of the film's script with the Plaintiff herein. The said draft included the following as part of the end credits of the film:

“Aparna Bhat continues to fight cases of sexual and physical violence against women.”

5. That between 2016 and 2019, the defendant no.1 had consulted the Plaintiff extensively for the purposes of her script for the film and taken inputs from her. Multiple drafts of portions of the script were sent to the Plaintiff herein by the Defendant No. 1 for revision and for feedback.

6. That the Defendant Ms. Gulzar and the Plaintiff had multiple oral conversations with regard to Laxmi's story and the respective court cases before the Trial Court, High Court and the Supreme Court of India. The Defendant Ms. Gulzar and the Plaintiff had also personally met two times in New Delhi during the course of such discussions.

7. That the Plaintiff extended all cooperation and assistance to the Defendant Ms. Gulzar to ensure authenticity to the film. The Plaintiff, after consulting with Ms. Laxmi, shared all the documents and court files available with her with the Defendant Ms. Gulzar. The Plaintiff had also enabled the Defendant's staff to have access to the premises of the Supreme Court of Indian and the Delhi High Court for the purpose of ensuring authenticity to the court scenes depicted in the film “Chhapaak”.

8. That the Plaintiff was made aware of the existence of a contract between the Defendant and Ms. Laxmi with regard to Ms. Laxmi's story being used for the movie.

9. That the Defendant had explicitly conveyed to the Plaintiff that once the film is released, everyone one would know that it was the Plaintiff who had argued the case. The clear inference from such a statement is that the film would clearly acknowledge the Plaintiff's role as the advocate in Ms. Laxmi's case.

10. That until the time that the press events and trailer release for the film “Chhapaak” were being done, the Plaintiff herein had no indication that the acknowledgment guaranteed to her had been removed.

11. That it is only on 07.01.2020 when the Plaintiff went for the premiere viewing of the film “Chhapaak” in PVR Chanakyapuri, New Delhi that the Plaintiff found that there was no acknowledgment for the work put in by the Plaintiff. It is only when the Plaintiff questioned the Defendant No. 1 on 07.01.2020 after the film premiere that the Defendant No. 1 informed her that a decision had been made to not acknowledge any of the persons involved.

12. That the Plaintiff addressed the issue again with the Defendant No. 1 through email communication on 07.01.2020 and received a response from her which stated that she would revert after the public release of the movie on 10.01.2020. (enclosed as ANNEXURE).

13. That the film “Chhapaak” is scheduled for public release on 10.01.2020.

14. That the Plaintiff had given all possible assistance to the making of the film and to ensuring that the film remains true to the real story. Such assistance was given based on guarantees that the Plaintiff’s contribution would be acknowledged.

15. That the Plaintiff also sent a legal notice to the Defendants herein but to no use. The office copy of Legal Notice sent along with proof of posting is enclosed herewith.

16. That left with no other option the plaintiff has to knock the doors of this Hon’ble Court seeking justice and kind intervention.

17. That the Trial Court with respect to Ms. Laxmi’s case took place in Patiala House Court, New Delhi and the Supreme Court case took place in the Supreme Court of India. That the Plaintiff went on 07.01.2020 for the premiere release of the film “Chhapaak” in PVR Chanakyapuri, New Delhi. That it is for these reasons that the

present Suit falls within the local jurisdiction of this Hon'ble Court hence this Hon'ble Court has territorial jurisdiction to entertain the present suit.

18. That the cause of action arose when the Defendant No. 1 first approached the Plaintiff with regard to the film. That it further arose when the Defendant No. 1 sent a rough draft of the script to the Plaintiff which included an acknowledgement to the Plaintiff. That it further arose when the Defendant No. 1 had explicitly conveyed to the Plaintiff that once the film is released, everyone would know that the Plaintiff did the case. That it further arose when the Plaintiff extended all cooperation and assistance to the Defendant Ms. Gulzar to ensure authenticity to the film.

19. That the suit has been valued with proper Court fee which has been affixed thereupon for the purpose of valuation of the suit.

PRAYER

That in light of the facts and circumstances mentioned herein above it is therefore most respectfully prayed that:

- a) A decree of prohibitory/mandatory Injunction be passed against the defendants and in favour of the plaintiff, directing the defendants and its officials to restrain the public release of the film on 10.01.2020;
- b) Cost of the proceedings / suit be also awarded in favour of the plaintiff and against the defendant;
- c) Grant mandatory injunction for inclusion of the Plaintiff's name in acknowledgments as promised/accepted by the Defendant in communication dated 17.11.2018 prior to the release of the film on 10.01.2020;
- d) Such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be.

Plaintiff

Through
Mr. Pukhrambam Ramesh Kumar
(Enrol. No. M-794/1999)

Ms. Shivangi Singh
(Enrol. No. D-2838/2013)

Place: New Delhi

Date: 08.01.2020

VERIFICATION

Verified at Delhi this 8th day of January 2020, that the contents of Para 1 to 15 of the above suit are all true and correct to the best of my knowledge and that para 16 to 19 of the plaint are true upon information received and believed to be true and correct. Last para is the prayer to this Hon'ble Court.

Plaintiff

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DELHI**

SUIT NO. OF 2020

APARNA BHAT

...PLAINTIFF

VERSUS

MEGHNA GULZAR & ORS.

...DEFENDANTS

APPLICATION UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 CPC

1. That the plaintiff is an advocate practising in the Supreme Court of India since 1992.
2. That between 2005 and 2015, the Plaintiff represented one Ms.Lakshmi in her case where she was brutally attacked with acid. The Plaintiff was her lawyer in the criminal trial, represented her in the High Court and also filed a PII on her behalf in the Supreme Court of India. She took up all these cases pro bono and she was able to get justice to the victim/survivor, Ms.Lakshmi Agrawal. The work of the plaintiff went on to win various accolades for Ms.Agrawal including an award from Ms.Michele Obama, the first lady of the USA.
3. That sometime in the year 2016, the Defendant No.1 Ms. Meghna Gulzar approached the Plaintiff herein with regard to the making of a film which is now titled "Chhapaak" on the acid attack case of Ms. Laxmi since the Plaintiff had been her lawyer and had access to all the documents with regard to the case.
4. That the Defendant No.1 had shared a rough draft of the film's script with the Plaintiff herein. The said draft included the following as part of the end credits of the film:

"Aparna Bhat continues to fight cases of sexual and physical violence against women."
5. That between 2016 and 2019, the defendant no.1 had consulted the Plaintiff extensively for the purposes of her script for the film and taken inputs from her. Multiple drafts of portions of the script were sent to the Plaintiff herein by the Defendant No. 1

for revision and for feedback. The Defendant number 1 had also met the plaintiff on a couple of occasions.

6. That the Plaintiff extended all cooperation and assistance to the Defendant Ms. Gulzar to ensure authenticity to the film. The Plaintiff, after consulting with Ms. Laxmi, shared all the documents and court files available with her with the Defendant Ms. Gulzar. The Plaintiff had also enabled the Defendant's staff to have access to the premises of the Supreme Court of India and the Delhi High Court for the purpose of ensuring authenticity to the court scenes depicted in the film "Chhapaak".

7. That the Defendant had explicitly conveyed to the Plaintiff that once the film is released, everyone would know that it was the Plaintiff who had argued the case. The clear inference from such a statement is that the film would clearly acknowledge the Plaintiff's role as the advocate in Ms. Laxmi's case.

8. That until the time that the press events and trailer release for the film "Chhapaak" were being done, the Plaintiff herein had no indication that the acknowledgment guaranteed to her had been removed.

9. That it is only on 07.01.2020 when the Plaintiff went for the premiere viewing of the film "Chhapaak" in PVR Chanakyapuri, New Delhi that the Plaintiff found that there was no acknowledgment for the work put in by the Plaintiff. It is only when the Plaintiff questioned the Defendant No. 1 on 07.01.2020 after the film premiere that the Defendant No. 1 informed her that a decision had been made to not acknowledge any of the persons involved.

10. That the film "Chhapaak" is scheduled for public release on 10.01.2020.

11. That it is imperative that an interim stay be granted on the release of the film "Chhapaak".

12. That if the present application for ex-parte relief is not granted, the accompanying suit for mandatory injunction will be become infructuous.

PRAYER

That in light of the facts and circumstances mentioned herein above it is therefore most respectfully prayed that this Hon'ble Court be pleased to:

- a) Pending hearing and final disposal of the suit, the Defendants either themselves or through anyone acting on their behalf be restrained from the release of the film "Chhapaak" in any jurisdiction including the jurisdiction of this Hon'ble Court;
- b) And pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be.

Plaintiff

Through

Mr. Pukhrambam Ramesh Kumar
(Enrol. No. M-794/1999)

Ms. Shivangi Singh
(Enrol. No. D-2838/2013)

Place: New Delhi

Date: 08.01.2020