

Federal Court



Cour fédérale

Date: 20100309

Docket: T-91-10

Citation: 2010 FC 269

Toronto, Ontario, March 9, 2010

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

**VINOD CHOPRA FILMS PRIVATE LIMITED
AND RELIANCE MEDIAWORKS (USA) INC.**

Plaintiffs

and

**JOHN DOE AND JANE DOE AND OTHER PERSONS,
NAMES UNKNOWN, WHO DEAL IN COUNTERFEIT
VIDEO RECORDINGS, AND OTHER PERSONS LISTED
IN SCHEDULE "A" TO THE STATEMENT OF CLAIM**

Defendants

REASONS FOR ORDER AND ORDER

[1] On Monday, March 8, 2010 the Plaintiffs brought a motion for review of an Anton Piller Order granted by the Court in this action on January 26, 2010. Among the persons whom the Plaintiffs wish to add as named Defendants are those persons described as Murad Mauji (or Mavji) otherwise known as Yeh Hai Khaike Paan Meri Jaan and Manur Samji. The Plaintiffs were represented by Counsel. Rahim Mauji spoke on his behalf and on behalf of his father Murad Mauji

with my permission. Manur Samji did not appear nor did any person appear to represent that supposed person.

[2] There is some confusion as to whether Manur Samji has been properly identified and may well be Karim Samji or Karim Mauji. I am not satisfied on the record before me that a case has been made out that would justify such a person as a named Defendant and, subject to any further evidence that the Plaintiffs may wish to adduce, I will not name that person as a Defendant.

[3] As to Murad Mauji and Rahim Mauji (or Mavji) I am satisfied on the evidence on the record that they are father and son and responsible for a store operating in Richmond Hill, Ontario, under the name Khaike Paan. There is conflicting evidence as between Murad and Rahim Mauji on the one hand and the Independent Supervising Solicitor, the two private investigators as to exactly what did or did not occur during their visits to the premises of Khaike Paan. I am satisfied however from what is in evidence on the record that:

- On about February 10, 2010 an investigator acting for the Plaintiffs made a purchase at Khaike Paan of a DVD upon which was copied the motion picture at issue “3 IDIOTS”;
- An investigator together with the Independent Supervising Solicitor returned to Khaike Paan the next day to serve the relevant documents on the proprietors. At that time no copies of DVD recordings of “3 IDIOTS” was found however an empty cassette with artwork depicting that motion picture was located in the premises;
- The proprietors of Khaike Paan were sufficiently informed as to the nature of these proceedings.

[4] On the return of this matter before me Rahim Mauji argued that there were a number of procedural irregularities. However, such argument was so mingled with evidence that he was purportedly giving in argument which evidence was not on the record that I cannot conclude that those alleged procedural irregularities were sufficiently important as would warrant a dismissal of these proceedings against the persons of concern here.

[5] Rahim Mauji also read before me from a script apparently prepared by some other person, not a lawyer, that appeared to be a mish mash possibly taken from unidentified legal sources and elsewhere. The arguments were almost incomprehensible and have failed to persuade me that these parties have established any basis for not affirming the Anton Piller Order given in this action.

THEREFORE, with respect to the persons and business at issue here I make the following Order:

ORDER

THIS COURT ORDERS that:

1. Rahim Mauji, Murad Mauji (Mavji) and the business known as Khaike Paan or Yeh Hai Khaike Paan Meri Jaan are added to this action as named party Defendants;
2. The interim injunction against said Defendants shall continue as an interlocutory injunction provided that the Plaintiffs shall within 10 days hereof file the usual undertaking as to damages;
3. The interim custody of allegedly infringing goods in the hands of the Independent Supervising Solicitor shall continue subject to further Order of this Court;
4. These named Defendants shall file their Defence within 30 days hereof failing which the Plaintiffs may move for default judgment;
5. Costs are reserved until the final disposition of this action as against said Defendants.

“Roger T. Hughes”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-91-10

STYLE OF CAUSE: VINOD CHOPRA FILMS PRIVATE LIMITED AND
RELIANCE MEDIAWORKS (USA) INC. v. JOHN DOE
AND JANE DOE AND OTHER PERSONS, NAMES
UNKNOWN, WHO DEAL IN COUNTERFEIT
VIDEO RECORDINGS, AND OTHER PERSONS
LISTED IN SCHEDULE "A" TO THE STATEMENT
OF CLAIM

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 8, 2010

**REASONS FOR ORDER
AND ORDER:** HUGHES J.

DATED: MARCH 9, 2010

APPEARANCES:

GEORGINA STARKMAN DANZIG FOR THE PLAINTIFFS

RAHIM MAUJI FOR THE DEFENDANTS (Self-Represented)

SOLICITORS OF RECORD:

KESTENBERG SIEGAL LIPKUS FOR THE PLAINTIFFS
LLP
Barristers and Solicitors
Toronto, Ontario

N/A FOR THE DEFENDANTS