

Dilip Kumar's Evidence

By A Staff Reporter

Appearing as a prosecution witness in the case in which **Madhubala**, a leading film star, and her father, **Ataullah Khan**, were charged with cheating, **Dilip Kumar**, one of India's foremost film artistes, described before Mr. R. S. Parikh, Presidency Magistrate, Girgaum Court, on Thursday, how his efforts at bringing about a rapprochement between them and the complainant had failed.

Dilip Kumar said that he found it "hard to digest" when he heard from the producers of the film in which he was given a role opposite **Madhubala**, that they had to pay **Madhubala** Rs. 32,000 "under duress." He suggested to the producers to try to settle the matter amicably, before taking it to a court of law, and promised to assist them in the matter "in my own way."

He said that he repeatedly told her, "not only as one person to another, but also as a member of the industry to which we all owe moral and legal obligations," that what they had done was wrong and that they should return the money they had obtained from the producers and compensate for their losses.

But his appeals proved of no avail, he added.

The hearing of the case will continue on Friday.

Case Against Film Actress

By A Staff Reporter

Dilip Kumar, the Indian screen idol, was charged with having instigated Mr. C. V. Kameshwar Shastri, Production Controller of B. R. Films, to file a suit against **Madhubala**, a film star, for alleged cheating at the resumed hearing of the case before Mr. R. S. Parikh, Presidency Magistrate, Girgaum Court, Bombay, on Friday.

Madhubala and her father, Attaullah Khan, were charged by Mr. Shastri with failure to honour her contractual obliga-

tions for a film under production in which she had agreed to play the feminine lead.

When **Dilip** Kumar was giving evidence for the prosecution, Mr. B. M. Mistry, advocate for **Madhubala**, accused him of "being the man behind the prosecution." "He (**Dilip** Kumar) is a jilted lover," he asserted.

Answering a question whether he was in love with **Madhubala**, **Dilip** Kumar said that she wanted to marry him. "I, too, loved her; it was a mutual feeling," he stated.

When asked why he could not marry her, witness stated that it was because of Madhubala's responsibilities towards her family. He believed that that was the only obstacle to their marriage.

To another question he answered that the feeling and desire for marriage with her continued till he felt that she had acted in a manner not consistent with the norms of good behaviour. Witness amplified the statement by mentioning that she did not honour her commitments.

LETTER SHOWN

Witness denied that he was drunk on July 4, 1956, when he had gone to Madhubala's house at Bandra. He also denied that he slapped her twice.

Dilip Kumar was then shown a letter written by Madhubala's father to him reprimanding him for his misbehaviour.

Witness, thereupon, stated that there was a difference of opinion with her regarding production of pictures by her father and also regarding her insistence that he should work in her father's film.

Further cross-examination of witness will continue on April 16.

Mr. B. M. Mistry with Mr. R. D. Chaddha appeared for **Madhubala** while Mr. H. P. Desai appeared for her father. Mr. J. M. Gandhi with Diwan Sardarilal appeared for the complainant.

Not 'Jilted Lover,' Says Film Star

CHEATING CASE HEARING

By A Staff Reporter

Yusufkhan Sarwarkhan Khan alias **Dilip** Kumar, the film star, giving evidence in the case in which Ataulлах Khan and his daughter, Mumtaz alias Madhubala, are charged with cheating, told Mr. R. S. Parikh, Presidency Magistrate, Girgaum Court, Bombay, on Tuesday, that the prosecution against the accused was not launched at his instigation.

"On the contrary, I was the only person who tried to see that the matter was not brought before a court of law," he said.

The accused are charged with having committed breach of contract to work in a film, "Naya Daur", and having cheated the producers of the film to the tune of Rs. 32,000. The complainant in the case is Mr. C.

V. K. Sastry, Production Controller of B. R. Films.

Dilip Kumar, who was giving evidence for the complainant, said that he had told Madhubala that he would not be taking any part in the production of **Madhubala** (Private) Ltd. Witness said that **Madhubala** was a little disappointed at his refusal to work in her productions.

FILE THROWN

Mr. B. M. Mistry, advocate for Ataulлах Khan, asked witness what made him throw a file when he once saw Madhubala.

Dilip Kumar: "It was my regard for her family that made me do it. I did not want the members of her family to lose their money."

Witness said he had received a letter from Ataulлах Khan requesting him not to come to his house any longer. Later, **Madhubala** had expressed her apologies for her father's letter he added.

Mr. Mistry: "Are you a conceited person?"

Dilip Kumar: "I am not a conceited man. I have a certain measure of self-respect."

Witness denied that he had asked **Madhubala** to choose between him and her father. "I do not believe in such dramatics," he said.

Mr. Mistry: "I know you are a good actor."

Dilip Kumar: "Even you, too, act well."

In reply to some questions, witness said: "I deny that my attitude was that of a jilted lover. It is equally untrue that I and **Madhubala** were cold and frigid in some scenes of a film. According to me those were some of the best scenes in the film."

OBJECTION TO REMARKS

At one stage when witness referred to Ataulah Khan as a "high-strung" person, Mr. H. P. Desai, advocate for Madhubala, interrupted the proceedings and stated that he had no business to make such remarks.

The Magistrate, thereupon, told witness to desist from offering such comments unless they were warranted.

Dilip Kumar stated that when he returned from a trip to the U.K. the complainant had told him that **Madhubala** had refused to go for indoor or outdoor shootings.

Witness said he was not surprised when he was told that Madhubala's legitimate dues were only Rs 2,000. "I deny that I am giving evidence with a view to ruining her," he said.

Further hearing was adjourned to Wednesday.

ACCUSED NOT COMPETENT TO PRODUCE FILM

Assertion By Film Star

By A Staff Reporter

Yusufkhan Sarwarkhan Khan alias **Dilip** Kumar, the firm star, giving evidence at the resumed hearing of the case in which Ataullah Khan and his daughter, Mumtaz alias **Madhubala**, are charged with cheating, stated before Mr. R. S. Parikh, Presidency Magistrate, Girgaum Court, Bombay, on Wednesday, that the accused were not competent enough to produce a film.

"If I acted in a film produced by the accused, I will be owing allegiance to persons who are incompetent; this is one of the reasons why I had refused to act in any films produced by the

ness said he would try to produce that journal.

Mr. Desai: "Did you love **Madhubala**?"

Dilip Kumar: "I will not use the word 'love.' I only reciprocated her sentiments."

"STYLISH WAY"

Mr. B. M. Mistry, advocate for **Madhubala**, interjecting, said: "That is only a stylish way of saying that he loved her."

In reply to a series of questions from Mr. Desai, **Dilip** Kumar said: "I doubt whether Ataullah Khan is a truly loving father. I believe that **Madhubala** is fond of her father and respects him. It is true that **Madhubala** is, to a large extent, an obedient daughter."

Witness stated that he would ordinarily never interfere with any affairs affecting the film industry. The allegations made by Mr. C. V. K. Sastri, complainant in the case, if they

by the accused, I will be owing allegiance to persons who are incompetent; this is one of the reasons why I had refused to act in any films produced by the accused," he added.

Cross-examined by Mr. Hari-bhai P. Desai, counsel for Ataul-lah Khan, Dilip Kumar stated that Madhubala (Private) Ltd. had announced the production of films, but he did not remember whether they had announced the production of a specific film in 1956.

Witness said after the production of a film entitled "Nata", the accused contemplated producing another film. Madhubala, he stated, had told him that she and her father would produce another film entitled "Sham-e-Avaz." An announcement that the film would be produced appeared in a trade journal. Wit-

any affairs affecting the film industry. The allegations made by Mr. C. V. K. Sastry, complainant in the case, if they were true, disclosed a "monstrous situation," he added.

CONTINUED REGARD

Dilip Kumar said that he continued to have regard for Madhubala. My regard for her will continue till her death," he asserted.

Mr. Desai complained that witness was loquacious and circumlocutory. "I do not want to him narrate his biography. I want him to give a straightforward reply to my questions."

Witness stated that he could not say at present whether he had the same feelings for Madhubala as he once had.

Further hearing was adjourned to April 30.

FILM STAR DENIES CHARGES OF CHEATING

"Case Filed Out Of Spite"

By A Staff Reporter

Ataullah Khan, Managing Director, **Madhubala** (Private) Ltd., and his daughter, Mumtaz alias, **Madhubala**, filed written statements before Mr. R. S. Parikh, Presidency Magistrate, Girgaum Court, Bombay, on Tuesday, denying the charges of cheating and extortion levelled against them by C. V. K. Sastri, Production Controller of B. R. Films.

They said that the case was filed against them out of spite.

Ataullah Khan denied the allegations made against him.

said they were false and unfounded. He stated that he had not asked the complainant to engage the services of his daughter, Chanchal, and to pay her Rs. 30,000.

He further submitted that his daughter, **Madhubala**, was an artiste of renown and that he could not be a party to impairing her reputation by advising her to adopt a course of action which would have been suicidal to her career.

The accused said that refusal to attend work did not amount to a threat as envisaged in Section 383 (I.P.C.). In the case of extortion the offence was carried out by overpowering the will of the owner and thereby inducing him to give up his property.

He stated that when demands for Rs. 10,000 and Rs. 20,000 were made, the complainant said he was upset. There was no trace of fear in him.

NO THREAT OF INJURY

He further submitted that there was no allegation made by the prosecution that he and his daughter had threatened to cause any injury to the person of the complainant.

Madhubala, in her statement, said that she was a paid employee of **Madhubala** (Private) Ltd. She denied having given any personal assurances to any producers for the performance of any agreement or its condition. She also denied having met the complainant or the producer, Mr. B. R. Chopra, for discussing the film, "Naya Daur."

She submitted that the actual facts that had led to the wrongful termination of the contract with **Madhubala** (Private) Ltd. by the producers had been brought out in the cross-examination of **Dilip** Kumar and Mr. Chopra.

The accused said: "On July 4, 1956, about 8-30 p.m., **Dilip** Kumar came to my house. He was drunk. I refused to go out with him as he was drunk. This refusal on my part enraged **Dilip** Kumar. He threw the office files in my

He threw the office files in my house and slapped me twice and left in a rage. The next morning my father wrote a letter to **Dilip Kumar** expressing disgust over his behaviour.

"HUMILIATED LOVER".

"Dilip Kumar, on account of his great conceit, has behaved like a rejected and humiliated lover and his intention has been to ruin my career and to shatter my professional reputation."

She further submitted that she had been wantonly harrassed by these proceedings which had been instituted *mala fide* and which were, at best, matters to be agitated in a civil court of law.

Mr. J. M. Gandhi, advocate for the complainant, submitted that the court should frame charges of cheating and extortion as there was a *prima facie* case against the accused. He said that the accused, by refusing to go for outdoor shooting, had caused injury to his client's reputation. His client had also suffered monetary loss, he added.

tary loss, he added.

Mr. Haribhai P. Desai and Mr. B. M. Mistry, advocates for the accused, stated that charges should not be framed as there were material discrepancies in the evidence.

Further hearing was adjourned to Wednesday.