

(2000) 05 DEL CK 0080

In the Delhi High Court

Case No : IA No. ... of 2000 in Suit No. 1001 of 2000

Indian Performing Right Society Limited

APPELLANT

Vs

Rajesh Karula and Others

RESPONDENT

Date of Decision : 22-05-2000

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 3

Citation : (2000) 05 DEL CK 0080

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : Sai Krishna, for the Appellant;

Judgement

Vikramajit Sen, J.

is 4701/2000

1. The court fee is stated to have been already deposited. Let it be filed within three days of having been made available.

2. Application stands disposed of.

is 4700/2000

3. Allowed subject to all just exceptions.

S.No. 1001/2000

4. Let the plaint be registered. Issue summons to Defendants both by ordinary process as well as registered A.D. posts, on plaintiff's filing process fee and registered A.D. covers, returnable by 24th July, 2000.

5. Liberty is granted to the plaintiff to add or delete paragraph-15 of the plaint.

I.A. No. 4699/2000

6. Notice for the date fixed.

7. I have perused the plaint and the documents filed along with it. I have heard the learned counsel for the plaintiff. I had occasioned to hear arguments in great detail in Suit No. 720/2000. It appears that Defendants are not paying the license fee for playing recorded music of various artists. This music is statutorily protected under the Copyright Act. Notices had been issued by the plaintiff to the Defendants all of which have been ignored. I am satisfied that a prima facie case has been made out for issuance of the ex parte ad interim injunction in favor of plaintiff who is likely to suffer irreparable and incalculable loss and injury in case the Defendants are not restrained from infringing the artist's copyright. According till the next date of hearing Defendants, their agents, employees and all other acts on their behalf are restrained from playing music at the Defendant's establishment or any other commercial establishment belonging to the Defendants without obtaining a license from the plaintiff society and without paying the requisite royalty.

8. Compliance of Order XXXIX Rule 3 CPC be made within three days.