

(2002) 03 DEL CK 0133
In the Delhi High Court
Case No : Suit No. 448 of 2002

The Indian Performing Right Society Limited	APPELLANT
Vs	
International Amusement Limited and Another	RESPONDENT

Date of Decision : 06-03-2002

Acts Referred:

Citation : (2002) 03 DEL CK 0133

Hon'ble Judges : Dr. M.K. Sharma, J

Bench : Single Bench

Advocate : Rajiv Nayyar, Praveen Anand and Ameet Datta, for the Appellant;
Maninder Singh and Ritika Anand, for the Respondent

Judgement

Mukundakam Sharma, J.

I. A. No .2057/2002

1. Allowed, subject to all just exceptions. I.A. 2058/2002 Counsel for the plaintiff states that the deficit Court fees has been paid. Therefore, this application has become infructuous and is disposed of accordingly.

Suit No. 448/2002

2. Issue Summons to the defendants. Mr. Maninder Singh accepts summons on behalf of the defendants. Written Statement will be filed within four weeks. Replication thereto, if any, shall be filed before the next date.

I.A.2056/2002

3. Issue notice to the defendants. Mr. Maninder Singh accepts notice on behalf of the defendants. Reply, if any, shall be filed within two weeks. Rejoinder, if any, shall be filed before the next date.

4. I have considered the averments made in the application and also I have perused the documents placed before me. Having heard the learned counsel for the plaintiff as also the counsel appearing for the defendants, I am of the, prima

facie, opinion that an ad interim injunction is required to be passed to be effective till the next date in order to protect the interest of the plaintiff as any delay in passing the same may cause irreparable loss and prejudice to the plaintiff. Accordingly, the defendants, their servants and agents and all other acting on their behalf are restraint from playing music covered by the license of the plaintiff at the defendants establishment or any other commercial establishment belonging to the defendants without obtaining a license from the plaintiff Society. It is, however, made clear that since the defendants have a license for performing sound recording controlled by the Phonographic Performance Ltd., they shall be entitled to exercise the said right, but while doing so the defendants, their servants and agents would not in any manner violate the rights of the plaintiff till the next date.

5. Put up on 9.4.2002 For arguments on the application.