

(2000) 08 DEL CK 0088
In the Delhi High Court
Case No : Suit No. 1000 of 2000

The Indian Performing Right Society Limited	APPELLANT
Vs	
Mr. Ashok Kinra and Others	RESPONDENT

Date of Decision : 01-08-2000

Acts Referred:

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

Citation : (2000) 08 DEL CK 0088

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : S. Chandra, Praveen Anand and S. Krishna, for the Appellant;

Judgement

Vikramajit Sen, J.

I.A. 7565/2000.

1. I have perused the application as well as the affidavits filed in support of the application. This case was heard along with S. No. 1001/2000. Interim orders had been passed in S. No. 1001/2000. The apology given by Mr. S. Krishnan, learned Counsel for the plaintiff is accepted.

I.A. stands disposed of.

S.No.1000/2000.

2. 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.O. covers, returnable on 17th August, 2000.

I.A. No.4705/2000

3. Allowed subject to all just exceptions.

I.A. 4706/2000.

4. Court fee has been affixed. The application is dismissed as infructuous.

I.A. 4704/2000.

Notice for 17th August, 2000.

5. I have perused the Plaint and the documents filed along with it. I have heard the learned Counsel for the plaintiff. I had occasion 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 composition. 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 favour, of plaintiff who is likely to suffer irreparable and incalculable loss and injury in case the Defendants are not restrained from infringing the artists" copyright. Accordingly, till the next date of hearing Defendants, their agents. employees and all other acts on their behalf are restrained from playing music at the Defendants" establishment or any other commercial establishment belonging to the Defendants without obtaining a license from the plaintiff society and without paying the requisite royalty.

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

7. Dasti.