

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.01.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.876 of 2017

&

O.A.Nos.1128 to 1130 of 2017

Essel Vision Productions Ltd., - Zee Studios
Continental Building
4th Floor, Fun Republic
Off New Link Road
Andheri (West)
Mumbai - 400 053
Maharastra
India

.. Plaintiff

Vs.

1.Bharat Sanchar Nigam Limited
Bharat Sanchar Bhavan
Harish Chandra Mathur Lane
Janpath, New Delhi- 110 001

2.Mahanagar Telephone Nigam Ltd.,
5th Floor, Mahanagar Doorsanchar Sadan
9, CGO Complex, Lodhi Road
New Delhi - 110 003

3.Bharti Airtel Limited
Bharti Crescent, 1, Nelson Mandela Road
Vasant Kunj, Phase II
New Delhi 110 070

4.Aircel Cellular Limited
5th Floor, Spencer Plaza
769 Anna Salai
Chennai - 600 002

5.Hathway Cable & Datacom Limited
4th Floor, Rahejas
Main Avenue, Santacruz (W)
Mumbai - 400 054

6. Sistema Shyam Tele Services Limited
MTS Tower, 3, Amarpalli Circle
Vaishali Nagar
Jaipur – 302 021
7. Vodafone India Limited
Peninsula Corporate Park
Ganpatrao Kadam Marg
Lower Parel, Mumbai – 400 013
8. Idea Cellular Limited
Suman Tower, Plot No.18,
Sector 11, Gandhinagar
Gujarat – 382 011
9. Reliance Communications Infrastructure Limited
Dhirubhai Ambani Knowledge city
Navi Mumbai – 400 709
10. Tata Docomo
2A Old Ishwar Nagar Main Mathura Road New
delhi 65
11. Syscon Infoway p ltd.
402 fourth floor skyline icon Andheri
kurla Road Behind mittal Ind. estate
Andheri east Mumbai 59
12. Telenor Communications
Services pvt Ltd. The Masterpiece Plot No.10
Golf Course Road Sector 54 DLF Phase 5
Gurgaon 122002
13. Tikona Digital Networks
Private Limited 3A 3rd floor Corpora LBS
Marg Bhandup W Mumbai 78
14. BG Broadband India Private
Limited Plot No.54 Marol Industrial
Cooperative Area Off Andheri Kurla Road
Andheri East Mumbai 59
15. Sify Technologies Limited
2nd floor TIDEL Park 4 Canal Bank Road
Chennai 113

- 16 Siti Broadband Services Pvt
Ltd B-10 Lawrence Road Industrial Area
New Delhi North West DL 110035 IN
- 17 You Broadband and
Cable India Ltd. 2nd and 3rd floor IQARA
centre Near Gujarat Gas Circle Adajan
Hazaria Road Surat 395 009
- 18 Asianet satellite
Communications 2A II floor Leela Infopark
Technopark Limited Kazhakkottam
Thiruvananthapuram Kerala 695 581
- 19 Data Infosys Limited
Station Road Durgapura Jaipur 302018
- 20 Readylink Internet services
Limited Galaxy Plot No.7 Sakthi colony RK
Puram Ganpathy Coimbatore 641 006
- 21 Opto Network P Ltd.
B86 Sector 14 Noida 201301 Uttar Pradesh
India
- 22 Netlinx Limited
5-9-22 3rd floor My Home Sarovar Plaza
Secretariat Road Saifabad Hyderabad 4
- 23 City Online services Limited
701 7th floor Aditya Trade Center
Ameerpet Hyderabad 38
- 24 Pioneer eLabs Limited
Pioneer towers 7th floor Plot No.16 Survey
No.64 Software Unit Layout APIIk I-Tech
City Madhapur Hyderabad 80
- 25 AT & T Global Network
Service India Pvt. Ltd. 13th floor 1305-
06 Mohan Dev House 13 Tolstoy Marg New
Delhi 110 001
- 26 Nextgen Communications
Ltd. Gulmohar House 161/B4 gautam nagar
Yusuf Sarai New Delhi 49 India
- 27 Virgo Global Media Ltd.

9-1-93 & 84 Amarchand sharma complex SD
road Secunderabad 3

- 28 Southern Online Bio
Technologies Limited Flat No.A3 3rd floor
Office block Samrat Complex Saifabad
Hyderabad 4
- 29 MyNet Services India Private
Limited 12 I floor IV Cross Gandhipuram
Pallipalayam Erode 638 006
- 30 Reliance Jio Infocomm Ltd
9 th Floor Maker Chambers-IV 222 Nariman
Point Mumbai-400 021 India.
- 31 Limras Eronet Broadband
services Private Limited 18/7 3rd Street
West Mambalam Chennai 600 033
- 32 RS Broadband Service
India Pvt ltd AL 134 2nd street Iith main
Rod Anna nagar Chennai 40
- 33 Spectra ISP Networks
P Ltd. Plot No.21-22 3rd floor Udyog Vihar
Phase IV Gurgaon 122 015
- 34 Pulse Telesystems P Ltd.
51/52Real Towrs 3rd floor Royapettah High
Road Mylapore Chennai 4
- 35 Essel Shyam communication
Ltd. 1121 Hemkunt chambers 11th floor 89
Nehru place New delhi 110 019 India
- 36 Five network solution (I) Ltd
22/2 Plot NO.275-B Gurunanak School
Compound Sion (Wst) Mumai 400 022 India
- 37 Atria convergence Technologies
P Ltd Indian Express Building 1 II floor
Queens Rd Bengaluru 1 Karnataka also at
Steeple Reach Ground floor A Block West
Wing Chennai 86
- 38 Thalainagar Digital Cables (P)
Ltd No.16 South Park Street Venkatapuram

Ambattur Chennai-53

- 39 Cablecast New Media Pvt.
Ltd 26/1 first floor 3rd cross st
Kasturibai Nagar Adyar Chennai-20
- 40 C32 Cable Net Pvt Ltd
Old NO.284 New No.204 Shanmugam Salai
Royapettah Chennai 14
- 41 Team 5 Network
13M Block AM Garden Mandaveli Chennai-28
- 42 SND Satellite Vision
New No.40/83/1 Muttiah Street Vellala
Teynampet Chennai 86
- 43 Ashok Kumar
Unknown person
- 44 Ashok Kumar
unknown person
- 45 Ashok Kumar
unknown person
- 46 Ashok Kumar
unknown person
- 47 Ashok Kumar
Unknown person
- 48 Ashok Kumar
Unknown person
- 49 Ashok Kumar
Unknown person
- 50 Ashok Kumar
Unknown person
- 51 Telecom Regulatory Authority of India
Third Floor
124, Kellys Road, Purasawalkam
Chennai
Tamil Nadu - 600 010
- 52 Ministry of Communications

Department of Telecommunications
Sanchar Bhavan
20, Ashoka Road
New Delhi – 110 001

53 Department of Industrial Policy & Promotion
Udyog Bhavan
New Delhi – 110 011

54 Ministry of Electronics &
Information Technology
(Govt of India)

(Defendants 51 to 54 are impleaded as per order dated 05.12.2017
in A.Nos.7336 and 7337 of 2017)

Plaint filed under Order VII Rule 1 of CPC and Order IV Rule 1 of Original Side rules read with Sections 51, 52, 55 and 62 of the Copyright Act, 1957 and the Copyright (Amendment) Act, 2012 for permanent injunction restraining the defendants 1 to 37 and any other person or entity infringing the cinematographic film 'Qarib Qarib Singlle' and said work be directed to block all websites/web pages including websites mentioned in Schedule A hosting contents that relate to plaintiff's copyright protected cinematographic film 'Quarib Quarib Singlle' in any manner thereby restraining the unauthorised copying, transmission, communication or make available or display or release or show or upload or download or exhibit or play and/or in any manner communicate in and/or through their services immediate of receipt of details of such infringing websites/webpages in writing from the plaintiff or its authorised representative in any manner whatsoever; permanent injunction restraining the defendants 38 to 42 and any other person or entity infringing the cinematographic film 'Qarib Qarib Singlle' by themselves, their partners/proprietor/directors, heirs, representatives, successors in business, assigns, distributors, agents, servants or anyone claiming through them or under them from infringing the plaintiff's copyrighted cinematographic film "Qarib Qarib Singlle" by copying, recording, reproducing or allowing camcording or allowing others to transmit,

communicate or make available or distributing or duplicating or displaying or releasing or showing or uploading or downloading or exhibiting or playing and / or in any manner whatsoever from communicating the cinematographic film "Qarib Qarib Singlle" and said work without a proper license from the plaintiff or in any other manner which would violate / infringe the plaintiff's copyrighted cinematographic film "Qarib Qarib Singlle" through different mediums including but not limited to CD, DVD, Blu-ray, disc, VCD, cable TV, direct to home services, Internet services, multimedia messaging services, pen drives, hard drives, tapes, DAS, satellite, conditional access systems or in any other medium / manner whatsoever; permanent injunction restraining the defendants 43-50 and any other person or entity infringing said film by themselves, their partners/proprietor/directors, heirs, representatives, successors in business, assigns, distributors, agents, servants or anyone claiming through them or under them from infringing the plaintiff's copyrighted said film by copying, recording, reproducing or allowing camcording or allowing others to transmit, communicate or make available or distributing or duplicating or displaying or releasing or showing or uploading or downloading or exhibiting or playing and / or in any manner whatsoever from communicating the said film and said work without a proper license from the plaintiff or in any other manner which would violate / infringe the plaintiff's copyrighted said film through different mediums including but not limited to CD, DVD, Blu-ray, disc, VCD, cable TV, direct to home services, Internet services, multimedia messaging services, pen drives, hard drives, tapes, DAS, satellite, conditional access systems or in any other medium / manner whatsoever and for the costs of the suit.

For Plaintiff : Mr.Arun C.Mohan

JUDGMENT

Mr.Arun C Mohan, learned counsel for the plaintiff is before

this court.

2. From the plaint averments and the submissions made before me, it unfurls that this is a suit to prevent infringement of copyright of a motion picture titled "Qarib Qarib Singlle", starring Irrfan Khan, Parvathy, Brijendra Kala and others and directed by Tanuja Chandra, wherein many alleged infringers are either unknown or not readily identified. I am informed that such suits are referred to as John Doe suits. The plaintiff is seeking permanent injunction against defendants.

3, In the light of the plaint averments, it is submitted by the learned counsel for the plaintiff that Section 62 of the Copyright Act, 1957 is attracted as far as this suit is concerned.

4. In the light of the submissions made by the learned counsel for the plaintiff and in the light of the plaint averments and also in view of the fact that Section 62 of the Copyright Act is attracted, this Commercial Division will exercise jurisdiction over this suit under the first proviso to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter referred to as 'Act 4 of 2016').

5. As this commercial division has now expressed its intention to exercise jurisdiction over the suit, I turn to the stage of the suit.

6. Today Mr.Arun C Mohan, learned counsel on record for the sole plaintiff is before the Court. Learned counsel submits that he has written instruction from his client to withdraw the suit. Suitable endorsements in this regard have been made in the case file by the learned counsel and the endorsements read as follows:

"Permission granted by this Hon'ble Court to withdraw C.S.No.876 of 2017"

"As per written instructions from the plaintiff, I may please be permitted to withdraw the suit."

In the light of above endorsements, suit is dismissed as withdrawn. No costs. Consequently, the connected applications are closed.

04.01.2018

Speaking/Non-Speaking order

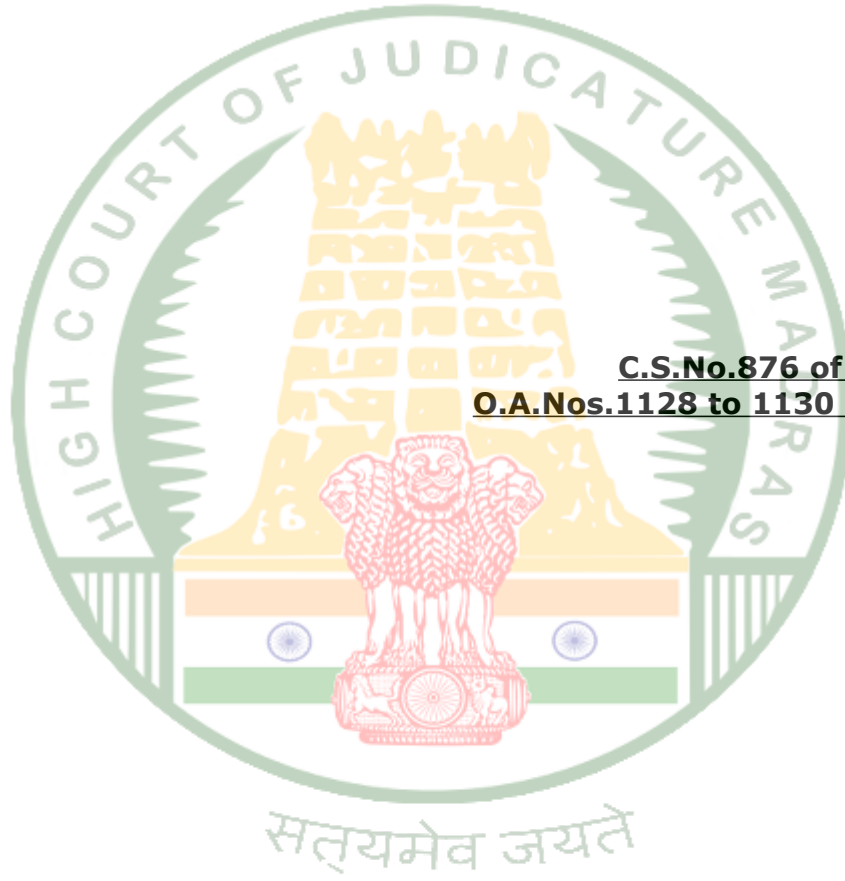
Index : Yes/No

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M.SUNDAR, J.

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**C.S.No.876 of 2017 &
O.A.Nos.1128 to 1130 of 2017**

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