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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 2666/2015

HAKIKAT ENTERTAINMENT PVT LTD. Plaintiff

Through: Mr. Pradeep Kumar Arya, Mr.
Narinder Chaudhry, Mr. Bhaskar
Bhardwaj, Mr. Pankaj Singh and Mr.
Raj Karan, Advs.

versus

RELIANCE COMMUNICATIONS LTD. & ORS. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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03.09.2015

I.A. No. 18396/2015

Allowed, subject to all just exceptions.

Application is disposed of.

CS (OS) 2666/2015

Learned counsel for the plaintiff submits that name of defendant nos.1, 2 and 7 be deleted from the array of parties as they are not necessary to the present suit. Ordered accordingly. Amended memo of parties filed in the Court is taken in record.

Plaint be registered as a suit. Summons in suit be issued to the defendants through ordinary process, registered A.D. post and courier

service returnable before the Joint Registrar for 8th February, 2016.

I.A. No. 18395/2015 (u/O 39 R 1 & 2 CPC)

Notice for the date fixed.

Plaintiff is a producer of cinematographic film 'MSG-2 The Messenger'. The said film is said to be sequel of earlier film 'MSG-The Messenger'. It is submitted that film 'MSG-2 The Messenger' is scheduled to be released in theatres on 18th September, 2015. Plaintiff has copyright in the cinematographic work including its audio-video effects, music, sound etc. Plaintiff has not released CD/DVD/Blue ray Discs/compact discs or any other device of its upcoming film. Defendants are either internet service providers, cable operators or website operators. Plaintiff has impleaded all such persons as defendants, who could be identified by the plaintiff. Moreover, there are various other unknown persons who are also engaged in the broadcasting business, uploading, downloading, exhibiting, streaming, hosting cinematographic films through online websites by video hosting, CD/DVD video tapes, pen drives and other electronic devices. Cable operators and the persons who are not known to the plaintiff have been impleaded as defendant nos. 22 to 75 under the assumed name, Mr. Ashok Kumar. It is further submitted that in respect of such unknown persons

'John Doe' practice is being resorted to which is well recognised not only in United States of America, Canada, Australia but also in India. Reliance has been placed on Taj Television vs. Rajan Mandal and Ors. 2003 FSR 22 as also order passed by a learned Single Judge of this Court in CS (OS) 821/2011 in UTV Software Communications Limited vs. Home Cable Network Ltd. and Ors.

It is contended that plaintiff apprehends that defendants and such unknown persons may indulge in illegal activities of copying the upcoming film of plaintiff on CDs/DVDs/Blue-ray disc as also displaying the same for viewing through the websites on internet, cable services etc.

I have considered the contentions of learned counsel for the plaintiff and perused the plaint and the documents annexed therewith and I am of the view that plaintiff has succeeded in disclosing a, prima facie, case in its favour for grant of ex-parte ad interim injunction. In case defendants and such unknown persons are not restrained from exhibiting the film 'MSG-2 The Messenger', without obtaining license from the plaintiff, it is the plaintiff who shall suffer irreparable loss and injury, inasmuch as, balance of convenience is also in favour of the plaintiff.

Accordingly, defendants, their partners, proprietors, directors,

shareholder, officers, servants, agents, representatives, franchisees, nominees and other unnamed and undisclosed entities are restrained from displaying, releasing, showing, uploading, downloading, exhibiting, playing and/or defraying the cinematographic film 'MSG-2 The Messenger' in any manner through different mediums like CD, DVD, Blue-ray disc, VCD, Cable TV, DTH, internet/broadband services, mobile internet, MMS, pen drives, hard drives, tapes, CAS or in any other like manner without prior licence from the plaintiff.

Compliance of Order 39 Rule 3 CPC be made within five days.

I.A. No. 18397/2015

Since defendant nos. 1 and 2 have been deleted from the array of parties, present application has become infructuous and is disposed of accordingly.

Dasti.

A.K. PATHAK, J.

SEPTEMBER 03, 2015

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