

\$~10

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

+ CS(COMM) 1624/2016

THE INDIAN SINGERS RIGHTS ASSOCIATION

..... Plaintiff

Through Mr.Sudhir Chandra, Sr. Adv. with
Mr. Pravin Anand, Ms. Udit Patro
and Mr. Shamim Nooreyezaan, Advs.

versus

MR A D SINGH & ANR

..... Defendants

Through Mr. Prabhakar Meher, Adv
Mr. Ankur Sangal and Ms. Sucheta
Roy, Advs for proposed applicant
Saregama.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.05.2017**

I.A. No.3462/2017 (under Order VI Rule 17 of the Code)

The plaintiff seeks certain amendments which according to him are formal in nature. No reply has been filed to this application. There is no opposition to this prayer. The prayer made in the application is allowed.

Application disposed of. Amended plaint is taken on record.

I.A. No.264/2017 (under Order XXIII Rule 3 of the Code) & CS(COMM) 1624/2016

This is a joint application filed by the plaintiff and two defendants along with accompanying affidavits of the constituted attorney of the plaintiff company as also the authorized representatives of the defendants. The terms of the settlement are

contained in para 3 of the aforementioned application. This application along with affidavit and the settlement agreement is collectively marked as Ex P.1. In terms of Ex P.1, the defendants have acknowledged the performer's right and their right also to receive royalty. The plaintiff acknowledges that he has received Rs.41,975/- as royalty/fee from the defendants for a period commencing between 01.01.2015 to 31.12.2017. The defendants have also undertaken that for future, they will obtain necessary clarification certificate from the plaintiff by paying royalty/fee in time. All the other terms and conditions contained in Ex. P.1. Parties shall be bound by the terms and conditions contained in Ex.P.1.

Suit of the plaintiff stands decreed in terms of Ex P.1.

I.A. No.16256/2016 (under Order 1 Rule 10 of the Code by Saregama) & I.A. No.305/2017 (under Order 1 Rule 10 of the Code by Super Cassette)

These are two applications filed by the proposed applicants; submission is that their applications should be heard before the compromise application under Order XXIII Rule 3 of the Code is decided. One of the contentions of the proposed applicants is that the rights which are being claimed by the plaintiff have in fact been assigned to the proposed applicants and this compromise entered inter-se between the plaintiff and the defendants in fact would be collusive. This had also been noted in the order dated 21.03.2017.

The averments made in the present application have been perused. This Court is of the view that the grievance, if any, of the applicants being independent grievances may be addressed by the applicants by way of substantive proceedings which they are

permitted to take as permitted by law. They are neither 'necessary' and nor 'proper' parties in the present proceedings.

No further orders are called for on these applications. They are disposed of.

I.A. No.15588/2016 (under Order XXXIX Rules 1 & 2 of the Code) & I.A. No.16257/2016 (under Order XXXIX Rule 4 of the Code)

These applications have become infructuous. They are disposed of accordingly.

INDERMEET KAUR, J

MAY 17, 2017

A