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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (COMM) 1086/2016

NOVEX COMMUNICATION PRIVATE LIMITED Plaintiff
Through: Mr. Jay Savla with Ms. Shilpi
Chowdhary, Advocates.

versus

M/S SKY LOUNGE BAR- SVENSKA DESIGN
HOTEL Defendant

CORAM: JUSTICE S.MURALIDHAR

ORDER
12.08.2016

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IA No. 9817/2016 (for exemption)

1. Allowed subject to all just exceptions.

CS (COMM) 1086/2016

2. Let the plaint be registered.

3. Issue summons in the suit to the Defendants by all modes including registered speed post and approved courier on filing process fee within one week, returnable before the Joint Registrar ('JR') on 24th October 2016. The affidavit of service, enclosing the tracking report of the postal authority and courier agency be filed by the Plaintiff at least one week in advance prior the next date of hearing.

4. Written statement be filed within four weeks of the service of notice.

5. The matter be listed before the JR on 24th October 2016 for completion of pleadings and admission/denial of documents.

IA No. 9816/2016 (under Order XXXIX Rules 1 & 2 CPC)

6. Notice to the Defendants by all modes including registered speed post and approved courier on filing process fee within one week, returnable in Court on 27th September 2016.

7. Learned counsel for the Plaintiff submits that the Plaintiff has been assigned the copyright in the sound recordings – details whereof are contained in Annexure A-3, by the original copyright owner, i.e., Zee Entertainment Enterprises Pvt. Ltd. Copy of the assignment deed dated 11th August 2015 is placed on record.

8. Learned counsel for the Plaintiff further submits that the consideration amount has been redacted as it is confidential information. The grievance of the Plaintiff is that the Defendants are playing the sound recordings – the copyright of which are vested in the Plaintiff, in their hotel for entertainment purposes.

9. The Court is satisfied that the Plaintiff has made out a prima facie case for grant of an interim injunction and that the balance of convenience is also in favour of the Plaintiff. The Court is further of the view that if the interim injunction as prayed for is not granted, the Plaintiff will suffer irreparable hardship.

10. Accordingly, till the next date of hearing, an ad interim direction is issued against the Defendants in terms of prayers (i) and (ii) in the application.

11. The Plaintiff shall comply with the provisions of Order XXXIX Rule

3 within one week from today.

12. Order be given *dasti*.

AUGUST 12, 2016

Rm

S.MURALIDHAR, J