

O.A.No.114 of 2018
in CS.No.90 of 2018

M.SUNDAR.J.,

The parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity. The applicant in this application is the lone plaintiff in the main suit and 37 respondents herein are defendants 1 to 37 in the main suit.

2. The plaintiff has taken out this application claiming that the cinematographic film with title "Pad Man" in Hindi language starring Akshay Kumar, Sonam Kappor, Radhika Apte and others, directed by R.Balki (hereinafter referred to as 'said Movie') is an upcoming Hindi drama film and the plaintiff has invested substantial sums of money in the production of the said film and most importantly, it has been averred that the said film is scheduled to be released in more than 2200 screens in India including Chennai and more than 475 screens worldwide.

3. It is the further submission of the plaintiff that Trailer and Teaser for promotion of the said film alone have been released to the general public.

4. Most importantly, it has been averred by the plaintiff that the said film is scheduled to be released on 09.02.2018.

5. The petitioner asserts that it has acquired all Exploitation and Distribution Rights including Television rights, Communication, Digital and Home video. It is further asserted by the plaintiff that all such rights are exclusive.

6. I have heard Ms.Rithika Reddy, learned counsel on record for the plaintiff. It is the specific submission that the list of websites set out in Schedule 'A' (schedule to judges summons and annexed to this order too) consists of Non-complaint websites. To be noted, in Schedule A as many as 2510 websites have been enlisted. It is submitted that these websites have no reporting and take down mechanism in place. It is further submitted that these websites are infringing the copyright of the plaintiff in the said Movie.

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7. Turning to the prayer in the instant application, the defendants 1 to 37, who are respondents in this application, I am informed are Internet Service Providers. I am also informed that technologically / technically, there is no possibility of blocking that part of the contents of the website which contains the alleged

pirated version of the said Movie alone. This submission is taken on record. I have also been taken through the documents filed in support of the plaint, which have been placed in the form of typed set. I am also informed that in similar matters, ex-parte interim orders have been granted by this Court. Reliance was also placed on the judgment of the Delhi High Court dated 27.07.2016 made in **R.P.No.131/2016 in FAO (OS) 57/2015.**

8. I have examined the aspects of the *prima facie* case, balance of convenience and irreparable injury incapable of compensation which are necessary parameters for grant of injunction in the case of this nature. With regard to *prima facie* case, there is no difficulty in accepting that the plaintiff is the owner of the Copyright in the said Movie. In terms of balance of convenience, if this interim order is not granted now, it would result in the alleged piracy being completed in all and every aspect of the matter. Thereafter, it will lead to an irreversible situation and therefore, irreparable injury incapable of compensation parameter has also been satisfied.

9. Therefore, there shall be an order of interim injunction restraining the respondents herein or any other person or entity from infringing Copyright in the said movie in Hindi language titled

“Pad Man” in any manner so as to prevent transmission, communication, display and exhibition of said movie. For this purpose, if blocking of websites/web pages set out in Schedule herein becomes necessary, respondents herein shall do so.

10. Other aspects of the prayer contained in the Judge's summons will be considered later, post service.

The aforesaid interim injunction shall operate for a period of three weeks up to 28.02.2018 on the above terms. The petitioner to comply with Order 39 Rule 3 of Code of Civil Procedure, 1908.

07.02.2018

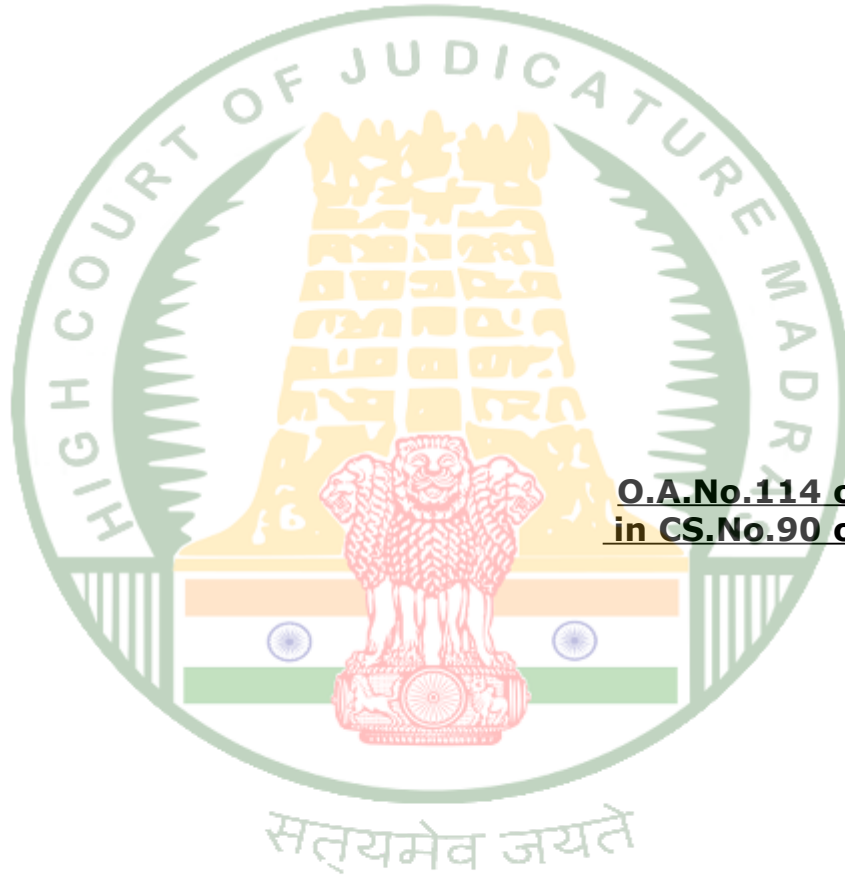
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Note: Issue order copy on 07.02.2018.

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