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

+ CS(COMM) 146/2016 & IA No.14500/2016

SUPER CASSETTES INDUSTRIES PRIVATE LIMITED ...Plaintiff

Through: Mr. K.K. Khetan, Adv.

Versus

OM SHIVAM CABLE NETWORK

..... Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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29.01.2018

1. The plaintiff has instituted this suit for permanent injunction to restrain the defendant, a cable operator at Jhajjar, Haryana, from infringing the copyright of the plaintiff in *inter alia* musical and literary works and for ancillary reliefs of rendition of accounts, damages, delivery etc.

2. The suit was entertained and vide *ex-parte* ad-interim order dated 29th February, 2016, while issuing summons/notice of the suit, the defendant was restrained from authorizing, the recording, distributing, broadcasting, public performance/communication to the public or in any other way exploiting the cinematograph films, sound recording and/or literary works (lyrics) and musical works (musical composition) or other work or part thereof throughout India, that is owned by the plaintiff, including all works whereon the plaintiff has shown its copyright under Section 52A of the Copyright Act or doing any other act that would lead to infringement of the plaintiff's copyright, through its Ground Cable Network.

3. The defendant failed to appear despite service and was vide order dated 29th August, 2016 proceeded against *ex-parte* and the *ex-parte* ad-interim order dated 29th February, 2016 made absolute till the pendency of the suit and the plaintiff relegated to leading *ex-parte* evidence.

4. The plaintiff in its *ex-parte* evidence has examined its authorised representative Mr. S.K. Datta as PW-1 and the Investigator of the plaintiff Mr. Mohit Sharma as PW-2 and closed its evidence.

5. The counsel for the plaintiff has been heard.

6. The plaintiff, on the basis of its unrebutted evidence is found entitled to the relief of permanent injunction as claimed in prayer paragraph 38(i) of the plaint verified on 24th February, 2016. The plaintiff, on its evidence is also found entitled to recovery of damages in the sum of Rs.5 lakhs and for costs of the suit.

7. A decree is accordingly passed in favour of the plaintiff and against the defendant (i) of permanent injunction in terms of prayer paragraph 38(i) of the plaint verified on 24th February, 2016; (ii) of recovery of damages in the sum of Rs.5 lakhs; and, (iii) of costs. Counsel's fee assessed at Rs.20,000/-.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

JANUARY 29, 2018

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