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

+ **CS(OS) NO.1625/2007 & CCP(O) No.142/2007**

MOSERBAER INDIA LIMITED Plaintiff

Through: Mr. Saurabh Agrawal, Mr. D.K.
Singh and Ms. Komal Mundhra,
Advs.

Versus

MOVIE LAND AND ORS. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **06.09.2016**

1. The plaintiff has instituted this suit for permanent injunction restraining the defendants No.1 to 6 namely Movie Land, Meta Electronics (Movieland), Supreme Audio, Musik Enterprises, Super Track and Pioneer Audio from manufacturing, selling, circulating, distributing or giving on hire etc. any video cassettes, VCD, DVDs, LCDs in respect of 65 films and for ancillary reliefs.
2. The suit was entertained and vide *ex-parte* ad-interim order dated 3rd September, 2007, the defendants so restrained and a Court Commissioner appointed to visit the premises of the defendants and to seize the infringing DVDs. The said order has continued till now.
3. The defendants appeared and filed a written statement.
4. Vide order dated 21st February, 2008, the aforesaid interim order was vacated, save in respect of 5 films.
5. The plaintiff preferred FAO(OS) No.121/2008 but which was dismissed on 14th March, 2008.

6. The defendants stopped appearing in the suit and were on 15th February, 2011 proceeded against *ex-parte* and the plaintiff permitted to lead *ex-parte* evidence.

7. The plaintiff has examined its officer and who had deposed that the plaintiff acquired valuable and exclusive video rights from various owners of copyright of 65 cinematographic films subject matter of the suit and his evidence has gone un-rebutted.

8. The defendants, though *ex-parte*, in their written statement claimed to have acquired rights in the said films and on the basis whereof the stay was vacated. However, the defendants have opted not to prove the said defence and in the absence thereof, there is no reason to not accept the claim of the plaintiff.

9. The plaintiff is thus found entitled to the relief of permanent injunction in terms of prayer paragraph 29(a) & (b) of the plaint.

10. No evidence of damages if any to which the plaintiff may be entitled to, has been led; thus no decree to the said effect can be passed in favour of the plaintiff.

11. Accordingly, a decree is passed in favour of the plaintiff and against the defendants in terms of prayer paragraph 29(a) & (b) of the plaint.

12. The parties are left to bear their own costs.

13. Decree sheet be drawn up.

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14. Dismissed as not pressed.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 06, 2016

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