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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.1248/2016 & IA No.11127/2016 (under Order XXXIX Rules 1&2 CPC).

ROHIT BATRA Plaintiff

Through: Mr. Jatin Mongia, Adv.

versus

SALIM MERCHANT & ORS Defendants

Through: Mr. Sagar Chandra, S. Iyer and Mr. Sreejan Uppal, Advs. for D-1&2.

Mr. Kunal Tandon, Ms. Nidhi Jain and Ms. Snigdha Sharma, Advs. for D-3&5.

Mr. Jaspreet Singh Kapur, Adv. for D-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **29.11.2016**

1. The plaintiff has sued for permanent injunction to restrain the four defendants namely Mr. Salim Merchant, Mr. Sulaiman Merchant, B4U Television Network India Ltd. and Digi Osmosis from reproducing in any manner, issuing copies on DVDs, CDs, digitally or in any other manner exhibiting, broadcasting, communicating to the public the film '*Janaan*' containing the infringing song '*Janaan*' which is claimed to be in infringement of the copyright of the plaintiff's melody in the song '*Maula*', and for ancillary reliefs.
2. Though the suit was entertained but no interim order as sought has been granted to the plaintiff as yet.
3. The counsel for the defendants no.1&2, the counsel for the defendants no.3&5 and the counsel for the defendant no.4 appear.

4. The counsel for the plaintiff states that the plaintiff had indicated to the counsel that he is not interested in pursuing the suit but the counsel had asked the plaintiff for instruction to the said effect in writing and which has not been received till now. He also states that the plaintiff has stopped instructing him.
5. Though the counsel for the plaintiff seeks time to make an application for discharge in accordance with law but in view of the aforesaid it is not deemed appropriate to keep this suit pending.
6. The counsel for the plaintiff is discharged from appearance in this suit.
7. None else appears for the plaintiff.
8. The suit is dismissed for non-prosecution.

RAJIV SAHAI ENDLAW, J

NOVEMBER 29, 2016

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