

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 13TH DAY OF NOVEMBER 2017

THE HON'BLE DR. JUSTICE ANITA SUMANTH

A. No.1708 of 2017

in

C.S. No.522 of 2012

S.Mahalingam
S/o.Late P.M.Sreenivasan @ Silpi
Flat No.4, Srivatsa Apartments,
53/25, Kavignar Bharathidasan Road,
Teynampet,
Chennai - 600 018.

: Applicant / Plaintiff

Vs.

1.Vasan publications Pvt. Ltd.
Represented by its Chairman /
Managing Director / Executive Director,
No.757, Anna Salai,
Chennai - 600 002.

2.B.Srinivasan
Managing Director / Director,
Vasan publications Pvt. Ltd.
No.757, Anna Salai,
Chennai - 600 002.

3.Vikatan Pressuram,
Represented by its Proprietor / Partner / Director
No.757, Anna Salai,
Chennai - 600 002.

: Respondents / Defendants

Application praying that this Hon'ble Court be
pleased to frame the following issues as additional
issues in the suit, in addition to issues 1 to 5 already
framed.

i. Whether Silpi was under a contract of service
or contract for service with Ananda Vikatan magazine?

ii. Whether the Defendants claim of copyright is restricted under section 17(a) of the Copyright Act, 1957 to publication of Silpi's art work in Ananda Vikatan magazine alone during the years 1948 to 1961 or it extends to subsequent publication in Avanda Vikatan magazine over later years?

iii. Whether the Defendants claim of copyright is restricted under section 17 (a) of the Copyright Act, 1957 to publication of Silpi's art work in Ananda vikatan magazine alone during the years 1948 to 1961 or it extends to subsequent publication in Avanda Vikatan magazine, subsequent publications in other magazines of the defendants, books or as a compilation, over later years.

iv. What are the other respects of copyright that Author Silpi is now entitled to under section 17(a) of the Copyright Act, 1957?

This Application coming on this day before this court for hearing the court made the following order:

This application prays for framing of additional issues in the suit, in addition to issues 1 to 5 already framed by this Court vide order dated 03.06.2014.

2. The additional issues are extracted hereunder:

'1. Whether Silpi was under a contract of service or contract for service with Ananda Vikatan magazine?

2. Whether the Defendants claim of copyright is restricted under section 17 (a) of the Copyright Act, 1957 to publication of Silpi's art work in Ananda Vikatan magazine alone during the years 1948 to 1961 or it extends to subsequent

publication in Ananda Vikatan magazine over later years?

3. Whether the Defendants claim of copyright is restricted under Section 17 (a) of the Copyright Act, 1957 to publication of Silpi's art work in Ananda Vikatan magazine alone during the years 1948 to 1961 or it extends to subsequent publication in Anada Vikatan magazine, subsequent publications in other magazines of the defendants, books or as a compilation, over later years?

4. What are the other respects of copyright that Author Silpi is now entitled to under Section 17 (a) of the Copyright Act, 1957?'

3. Learned counsel for the applicant confirms that the framing of additional issues and the adjudication thereupon does not necessitate the letting in of any additional evidence and recall of any witnesses already examined.

4. In the light of the aforesaid as well as in the light of no objection expressed by the learned counsel for the respondent to the present prayer, this application is allowed.

Sd./- A.S.M.J.

13.11.2017

//Certified to be true copy//
Dated at Madras this the th day of
TPY/17.11.2017

2017.

COURT OFFICER (O.S.)
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