

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

ORIGINAL SIDE APPEAL No.361 of 2017
and C.M.P.No.22748 of 2017

- 1.Poppys Hotel,
No.122, SKS Nagar First Toll Post,
Opp. Meenakshi Mission Hospital,
Uthankudi, Madurai-625 007.
- 2.10 Downing Street, Arcadia Hotel,
No.4, Arcadia Hotel,
Avinashi Road, Goldwins,
Coimbatore-641 014.
- 3.Poppys Hotel, Coimbatore,
No.257, Mettupalayam Road,
Saibaba Colony, Coimbatore-641 043. Appellants

Vs.

- 1.M/s.Phonographic Performance Limited,
rep. by its Authorized Signatory,
Mr.S.S.Sidhik Ahamed,
Fl, First Floor, Jai Park Castle,
New No.4, Old No.8, Turn Bulls Road,
Nandanam Extension, Nandanam,
Chennai-600 035.
- 2.The Accord Metropolitan,
No.35, 36, 37, G.N.Chetty Road,
T.Nagar, Chennai-600 017.
- 3.Radission Blu City Centre,
No.2, Ethiraj Salai, Commander In Chief Road,
Egmore, Chennai-600 008.
- 4.Ramada,
No.2A, Ponnamman Koil Street,
Egmore, Chennai-600 008.

- 5.Hilton,
No.124/1, J.N.Salai,
Ekkaduthangal, Chennai-600 032.
- 6.Le Rioyal Meridien-Starwood Hotels,
No.1, G.S.T.Road,
St.Thomas Mount, Chennai-600 016.
- 7.The Raintree,
No.120, St.Marys Road,
Alwarpet, Chennai-600 018.
- 8.The Raintree Hotel,
Ceebros Hotels Pvt Ltd.,
No.636, Anna Salai, Teynampet,
Chennai-600 035.
- 9.Hablis Hotel,
No.19, GST Road,
Guindy, Chennai-600 032.
- 10.Radha Regent,
No.171, Jawaharlal Nehru Salai,
Arumbakkam, Chennai-600 106.
- 11.Hotel Abu Sarovar,
No.926, Poonamallee High Road,
Chennai-600 084.
- 12.Feathers-A Radha Hotel,
4/129, Mt.Poonamallee High Road,
Manapakkam, Chennai-600 089.
- 13.Zone by the Park,
No.430, Viduthalai Nagar, Outer Ring Road,
Pallavaram-Thuraipakkam Road,
S.Kolathur, Chennai-600 117.
- 14.Intercontinental Chennai
Mahabalipuram Resort,
No.212, Nemelli Village,
Chennai-603 104.
- 15.The Promenade Hotels,
No.23, Goubert Avenue,
Pondicherry-605 001.
- 16.Accord Puducherry,
No.1, Thilar Nagar, Ellaipillaichavady,
Puducherry-605 009.

17.Femina Hotel,
No.109, Williams Road,
Cantonment, Tiruchirappalli-620 001.

18.Thangam Grand,
No.48, Bypass Road,
Kalavasal, Maurai-625 016.

19.JC residency,
14, Lady Doak College Road,
Chinna Chokkikulam,
Madurai-625 002.

20.Heritage Madurai,
No.11, Melakkal Road,
Kochadai, Madurai-625 016.

21.Parsons Court,
No.85, Mengles Road,
Nagal Nagar, Dindigul-624 003.

22.Chenduran Park,
No.33/1, Old R.M.S.Road,
Near Railway Station, Nagal Nagar,
Dindigul-624 003.

23.Vivera Grand,
No.19, New Agraharam,
Palani Road, Dindigul-624 001.

24.Apple Tree,
North By-Pass Road,
Vannarpettai, Tirunelveli-627 003.

25.Le Meridien Coimbatore,
No.762, Avinashi Road,
Neelambur, Coimbatore-641 062.

26.Hotel Blue Frog,
No.3, Church Street,
Ashok Nagar, Bengaluru-560 001.

27.Hotel Indigo XP,
No.71/72, Jyothi Nivas College Road,
6th Block, Industrial Layout,
Koramangala, Bengaluru-560 095.

28.Hotel Barleys,
No.2/3, 3rd Floor, 80 feet Road,
Barleys Junction, Koramangala,
Bengaluru-560 034.

- 29.Manpho Convention Centre,
No.91/4, Veeranna Palaya,
Nageswara Ring Road,
Bengaluru-560 045.
- 30.Hotel Hilton-Umbel Properties (P) Ltd.,
Embassy Golf Links Business Park,
Bengaluru-560 071.
- 31.The Humming Tree,
No.949, 3rd Floor, 12th Main Road,
Indira Nagar, Bengaluru-560 038.
- 32.Vapour-Zoodle Hospitality &
Consulting Pvt. Ltd.,
No.773, 100 feet Road,
Indira Nagar, Bengaluru-560 038.
- 33.Ramada Encore Bangalore,
No.282 to 285 HBCS Layout,
Amarjyothi Domlur,
Bengaluru-560 071.
- 34.Fortune Select Trinity,
No.134-136, EPIP Area,
Road No.1, White Field,
Bengaluru-560 066.
- 35.Punjabi By Natura,
Ground Floor, Plot 12,
EPIP, White Field Road,
White Field, Bengaluru-560 066.
- 36.La Marvella,
No.1, 14th Cross South End Circle,
2nd Block, Jaya Nagar, Bengaluru-560 011.
- 37.Country Inn Suits,
Plot No.514, Outer Ring Road,
Opp. To Lumbini Garden,
Nagawara, Bengaluru-560 045.
- 38.River Dale,
Netravathi Bridge,
Jeppina Mogaru, Mangalore-575 002.
- 39.Retrox Lounge Bar,
Near Hotel Woodside,
Balmatta Road, Hampakatta,
Mangalore-575 001.

40.Moti Mahal Hotel,
Flanir Road, Mangalore-575 001.

41.Windflower Resorts & Spa,
Maharana Pratap Road,
Nazarbad, Mysore-570 010.

42.Artrium Hotel,
No.110/1A1, Bangalore-Mysore Road,
Near Columbia Asia Hospital,
Mysore-570 003.

43.The Quorum,
No.2257B-1, 1318 Vinoba Road,
Devaraja Mohalla-1, Mysore-570 005.

44.Radisson Blue Plaza Hotel,
No.1, M.G.Road, Mysore-560 010.

45.Sandesh The Prince,
No.3, Nehra Nivas,
Nazarabad Main Road, Mysore-570 010.

46.President Hotel,
No.194/1A, P.B.Road,
Opp. Unkal Lake, Srinagar Corss,
Hubli-580 031.

47.Hotel Denissons,
No.110, Dollars Colony,
Airport Road, Hubli-580 030.

48.Hyatt Palace Hampi,
Vijayanagar Township,
Toranagallu, Bellary-583 123.

... Respondents

Original Side Appeal filed under Order XXXVI Rule 1 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 22.12.2017 made in O.A.No.1258 of 2017 in C.S.No.975 of 2017.

Original Application praying that, to pass an order of temporary infunction restraining the respondents, their servants, employees, agents respresentatives or any person claiming through them or acting on their behalf from public by performing or in any manner communicating the sound recording works of the applicant to the public, or allowing their premises or any premises under their control to beused for the said purposes, without license from the applicant or otherwise c infringing copyright in any work owned by the Applicant pending disposal of the suit and consequently permit the Applicant to

seek assistance of the jurisdiction police authorities to ensure the compliance.

For Appellants : Mr.S.Doraisamy, Senior Counsel
for Mr.Muthumani Doraisami
For R1 : Mr.V.Kuberan,
for M/s.Ganesh & Ganesh
For RR6, 9, 10 & 12 : Mr.Vijayan Subramanian

J U D G M E N T

(Judgment of the Court was delivered by M.S.RAMESH, J.)

This Original Side Appeal has been preferred against the order dated 22.12.2017 made in O.A.No.1258 of 2017 in C.S.No.975 of 2017. The first respondent herein viz., M/s.Phonographic Performance Limited, is the applicant/plaintiff in the above said O.A., wherein the present appellants 1 to 3 are defendants 17, 26 & 27.

2.By order dated 22.12.2017, the learned Single Judge directed the defendants in the above O.A. to deposit a sum of Rs.1.25 lakhs (Rupee One Lakh and Twenty Five Thousand only) to the credit of the suit on or before 28.12.2017. The learned Single Judge also held that the defendants shall be entitled to play songs/sound recordings, which are subject matter of the lis, in the light of such deposit.

3.Heard the learned counsel appearing on either side and perused the typed set of papers.

4.Considering the facts and circumstances of the case, the appellants herein are directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of suit in C.S.No.975 of 2017 on or before 30.12.2017, without prejudice to the contentions in the main suit.

5.All other observations made in the order dated 22.12.2017 in O.A.No.1258 of 2017 shall remain intact.

6.The Original Side Appeal stands disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

abr/n

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+3cc to M/s.Muthumani Doraisamy, Advocate Sr.No.92628/17

ORIGINAL SIDE APPEAL No.361 of 2017
and C.M.P.No.22748 of 2017

Sj (CO)
sm:29.12.2017



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