

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.366 of 2017 &
C.M.P.No.22792 of 2017

Feathers A Radha Hotel,
4/129, Mt.Poonamallee Road,
Manapakkam, Chennai-89.

... Appellant

Vs.

- 1.M/s.Phonographic Performance Limited,
rep. by its Authorized Signatory,
Mr.S.S.Sidhik Ahamed,
F1, First Floor, Jai Park Castle,
New No.4, Old No.6, Turn Bulls Road,
Nandanam Extension, Nandanam,
Chennai-600 035.
- 2.The Accord Metropolitan,
No.35, 36, G.N.Chetty Road,
T.Nagar, Chennai-600 017.
- 3.Radisson Blue City Centre,
No.2, Ethiraj Salai, Commander-in-Chief Road,
Egmore, Chennai-600 008.
- 4.Ramada,
No.2A, Ponniyamman Koil Street,
Egmore, Chennai-600 008.

- 5.Hilton,
No.124/1, J.N.Salai,
Ekkaduthangal, Chennai-600 032.
- 6.Le Royal Meridien-Starwood Hotels,
No.1, G.S.T.Road,
St.Thomas Mount, Chennai-600 016.
- 7.The Rain Tree,
No.120, St.Mary's Road,
Alwarpet, Chennai-600 018.
- 8.The Rain Tree 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-600 064.
- 12.Zone by the Park,
No.430, Viduthalai Nagar, Outer Ring Road,
Pallavaram-Thuraipakkam Road,
S.Kolathur, Chennai-600 017.
- 13.Intercontinental Chennai
Mahabalipuram Resort,
No.212, Nemilli Village,
Chennai-603 104.

- 14.The Promenade Hotels,
No.23, Gobert Avenue,
Pondicherry-605 001.
- 15.Accord Puducherry,
No.1, Thilagar Nagar, Ellaipillaichavady,
Puducherry-605 009.
- 16.Femina Hotel,
No.109, Williams Road,
Cantonment, Tiruchirappalli-620 001.
- 17.Poppy's Hotel,
No.122, Sks Nagar First Toll Post,
Opp. Meenakshi Mission Hospital,
Uthankudi, Madurai-625 007.
- 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 RMS Road,
Near Railway Station Road, Nagal Nagar,
Dindigul-624 003.

23. Vivera Grande,
No.19, New Agraharam,
Palani Road, Dindigul-624 001.
24. Apple Tree,
North By-Pass Road,
Vannarpettai, Tirunelveli-627 003.
25. Le Meridian Coimbatore,
No.762, Avinashi Road,
Neelambur, Coimbatore-641 062.
26. 10 Downing Street, Arcadia Hotel,
No.4, Arcadia Hotel,
Avinashi Road, Goldwins,
Coimbatore-641 014.
27. The Poppys Hotel Coimbatore,
No.257, Mettupalayam Road,
Sai Baba Colony, Coimbatore-641 043.
28. Hotel Blue Frog,
No.3, Church Street,
Ashok Nagar, Bengaluru-560 001.
29. Hotel Indigo XP,
No.71/72, Jyothi Nivas College Road,
6th Block, Industrial Layout,
Koramangala, Bengaluru-560 095.
30. Hotel Barleyz,
2/3, 3rd Floor, 80 feet Road,
Barleyz Junction, Koramangala,
Bengaluru-560 034.
31. Manpho Convention Centre,
No.91/4, Veeranna Palaya,
Nageswara Ring Road,
Bengaluru-560 045.

32. Hotel Hilton-Umbel Properties (P) Ltd.,
Embassy Golf Links Business Park,
Bengaluru-560 071.

33. The Humming Tree,
No.949, 3rd Floor, 12th Main Road,
Indira Nagar, Bengaluru-560 038.

34. Vapour Zoodle Hospitality &
Consulting Pvt. Ltd.,
No.773, 100 feet Road,
Indira Nagar, Bengaluru-560 038.

35. Ramada Encore Bangalore,
No.282 to 285, HBCS Layout,
Amrytjyothi Domkar,
Bengaluru-560 071.

36. Fortune Select Trinity,
No.134-136, EPIP Area,
Road No.1, White Field,
Bengaluru-560 066.

37. Punjabi By Nature,
Ground Floor, Plot No.12,
EPIP White Field Road,
White Field, Bengaluru-560 066.

38. La Marvella,
No.1, 14th Cross South End Circle,
2nd Block, Jaya Nagar, Bengaluru-560 011.

39. Country Inn Suits,
Plot No.514, Outer Ring Road,
Opp. To Lumbini Garden,
Nagawara, Bengaluru-560 045.

40. River Dale,
Netravathi Bridge,
Jeppina Mogaru, Mangalore-575 002.

41. Retax Lounge Bar,
Near Hotel Hoodside,
Balmatt Road, Hampakatta,
Mangalore-575 001.
42. Moti Mahal Hotel,
Flanir Road, Mangalore-575 001.
43. Windflower Resorts & Spa,
Maharana Pratap Road,
Nazar Bad, Mysore-570 020.
44. Atrium Hotel,
No.110/1A1, Bangalore-Mysore Road,
Near Columbia Asia Hospital,
Mysore-570 003.
45. The Quorum,
No.2257B-1, 1318 Vinoba Road,
Devaraja Mohalla-1, Mysore-570 005.
46. Radisson Blue Plaza Hotel,
No.1, M.G.Road, Mysore-570 010.
47. Sandesh The Prince,
No.3, Nethra Nivas,
Nazarabad Main Road, Mysore-570 010.
48. President Hotel,
No.194/1A, PB Road,
Opp. Unkal Lake, Srinagar Cross,
Hubli-580 031.
49. Hotel Denissons,
No.110, Dollars Colony,
Airport Road, Hubli-580 030.

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

... Respondents

Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules read with Clause 15 of Letters Patent to set aside the order dated 22.12.2017 in O.A.No.1258 of 2017 in C.S.No.975 of 2017.

For Appellant : Mr.Vijayan Subramanian
For R1 : Mr.Guberan
for M/s.Ganesh & Ganesh

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 to set aside 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 appellant is the 11th defendant in the said O.A.

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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 appellant herein is 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 in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R.,J.] & [G.R.S.,J.]
28.12.2017

abr/nvsri

Index:Yes/No

Internet:Yes/No

Speaking / Non speaking order

Note: Issue order copy on 29.12.2017



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M.S.RAMESH, J.
and
G.R.SWAMINATHAN, J.

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