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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2244/2009**
THE INDIAN PERFORMING RIGHT SOCIETY LTD..... Plaintiff
Through: Mr. Munish Mehra & Ms. Arundhati
Gopal, Advs.
Versus
CHROMOZOME PRODUCTIONS PVT. LTD. Defendant
Through: None.
CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER
% **11.12.2017**

1. The counsel for the plaintiff has mentioned the matter.
2. He states that in this suit for permanent injunction restraining the two defendants viz. i) M/s Chromozome Productions Pvt. Ltd., and ii) Mr. P. Pandian, both at Bangalore, from infringing the copyright of the plaintiff in the musical and literary works, no interim order was granted and the plaintiff since then has settled the disputes subject matter of this suit with the defendant no.2 Mr. P. Pandian. It is further stated that the defendant no.1 M/s Chromozome Productions Pvt. Ltd. has failed to appear and has on 8th September, 2014 already been proceeded against *ex parte*.
3. The counsel for the plaintiff states that in view of the dicta of the Division Bench of this Court in ***Ultra Home Construction Pvt. Ltd. vs. Purushottam Kumar Chaubey*** (2016) 227 DLT 320 (DB), this Court would not have territorial jurisdiction to entertain the suit insofar as remains against the defendant no.1 M/s Chromozome Productions Pvt. Ltd. and the plaintiff

thus withdraws this suit against the defendant no.1 M/s Chromozome Productions Pvt. Ltd. with liberty to institute the same before the Court of appropriate territorial jurisdiction.

4. The suit, insofar as against the defendant no.1 M/s Chromozome Productions Pvt. Ltd., is dismissed as withdrawn with liberty to the plaintiff to on the same cause of action and in accordance with law sue the defendant no.1 M/s Chromozome Productions Pvt. Ltd. in the Court of appropriate territorial jurisdiction.

No costs.

5. File be consigned to Records.

RAJIV SAHAI ENDLAW, J

DECEMBER 11, 2017

‘gsr’..