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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) (COMM) 194/2017**

SAREGAMA INDIA LTD

..... Appellant

Through Mr. P. Chidambaram, Sr. Advocate
with Mr. Rajiv Nayar, Mr. Ajay
Bhargava, Mr. Ankur Sangal, Ms.
Sucheta Roy, Ms. Richa Bhargava
and Mr. Shiva Tokas, Advocates.

versus

ZEE ENTERTAINMENT ENTERPRISES LTD Respondent

Through Mr. Amarjeet Singh Chandhiok, Sr.
Advocate with Mr. Pragyan Sharma,
Mr. Suchir Mishra, Ms. Petal
Chandhiok, Ms. Sweta Kakkad and
Mr. Amal Nair, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **13.11.2017**

CAVEAT 969/2017

Since learned counsel for the respondent/caveator accepts notice, the caveat is discharged.

CM No.40751/2017 (exemption)

Exemption is allowed subject to all just exceptions.

FAO(OS) (COMM) 194/2017 & CM No.40750/2017 (under Order XLI Rule 5 CPC)

1. Issue notice. Mr. Pragyan Sharma, Advocate accepts notice on behalf of the respondent.
2. The appellant's grievance is that while granting ad-interim

relief in its suit, to enforce its rights under Section 60 of the Copyrights Act, 1957, to restrain the defendant/respondent from making groundless threats, even while recording the defendant's statement that it would not issue any further notice, the Single Judge had overlooked the interim reliefs claimed under the impression that there was no background in the pleadings.

3. Learned counsel for the appellant points out that the suit as well as the application for interim relief did lay out circumstances as to why the defendant was sought to be restrained, in addition, from issuing notices to third parties.

4. Learned counsel for the defendant/respondent initially objected to the maintainability of these proceedings. He also pointed out that besides the pleadings, the plaintiff, in its appeal, has relied upon certain documents which were not part of the suit record.

5. In any event, to cut short the controversy, learned counsel submits that the learned Single Judge may be requested to decide the issue of grant or refusal of interim relief *vis-a-vis* third parties (i.e. issuance of alleged groundless threats by the defendant against third parties) at an early date and, in these circumstances, the limited statement may be taken on record that no further notices either to the plaintiff or to the third parties would be issued till an order on that specific issue is made. This statement, it is submitted, is made entirely without prejudice to the defendant's rights.

6. In the light of the above, the respondent/defendant shall not

issue any further notices to third parties containing alleged groundless threats from today till the date of decision as to the extension of enlargement of the interim relief, i.e., the impugned order in the present case.

7. The appellant shall ensure that an appropriate application for pre-ponement is made before the learned Single Judge, within the next five days. The Single Judge will endeavour to consider and make a limited order of the kind sought in the present appeal at her earliest convenience.

8. The appeal is disposed in the above terms.

9. Order *Dasti* under the signatures of the Court Master.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 13, 2017
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