

IN THE HIGH COURT OF JUDICATURE AT MADRAS
 (ORDINARY ORIGINAL CIVIL JURISDICTION)
 MONDAY, THE 19TH DAY OF FEBRUARY 2018
 THE HON'BLE MR.JUSTICE M.SUNDAR
 A.Nos.1349 & 1350 of 2018
 in
 C.S.No.922 of 2016

M/s.Sreedevi Video Corporation
 represented by its Partner
 Mr.Ghanshyam Hemdev
 No.5/3 Muktha Garden,
 Spurtank Road,
 Chetpet, Chennai 600 031

.. Plaintiff

-Versus-

- 1 Google India Pvt Ltd.
 rep. by its Managing Director
 8th and 9th Floor Tower C,
 Building No.8,
 DLF Cyber City, Gurgaon 122 002
- 2 You Tube
 rep. by its Manager,
 DMCA Complaints You Tube (Google INC)
 901 Cherry Avenue,
 SAN Bruno, CA94066 USA
- 3 Bing
 Rep by its Manager
 Microsoft Corpn of india Limited,
 4th floor, Usha Jublee Town -36,
 8-2-293/82/A/1130/A, road No.36,
 Jubilee Hills, Hyderabad-500 033
- 4 Yahoo India
 rep. by Manager
 Torrey Pines, EGL business Park,
 Inter Mediate Ring Road,
 Bengaluru, Karanataka-560 071

- 5 Bharat Sanchar Nigam Ltd.
 rep. by General Manager
 Bharat Sanchar Bhavan,
 Harish Chandra Mathur Lane,
 Janpath, New Delhi- 110 001

- 6 Mahanagar Telephone Nigam Ltd.
 rep. by its General Manager
 Jeevan Bharthi Towers -I
 No.124 Connaught Circus,
 New Delhi - 110 070

- 7 Bharti Airtel Ltd.
 rep. by its Secretary
 Bharti Crescent
 No.1, Nelson Mandela Road
 Vasant Kunj, Phase II,
 New Delhi 110 070

- 8 Aircel cellular Ltd.
 rep by its Secretary,
 5th Floor, "Spencer Plaza,
 No.769, Anna salai,
 Chennai 600 002

- 9 Hathway cable and Datacom Ltd
 rep. by its Secretary,
 4th Floor, "Rajehas"
 Main Avenue,
 Santacruz (W),
 Mumabi-400 054

- 10 Vodafone India Ltd.
 rep. by its secretary,
 Peninsula Corporate Park
 Ganpatrao Kadam Marg,
 Lower Parel,
 Mumbai 400 013

- 11 Idea cellular Ltd.
rep. by its secretary
Suman towers Plot No.18
Sector 11, Gandhinagar 382 011
Gujarat
- 12 Reliance communications
rep. by its Secretary
Dhirubai Ambani Knowledge City,
Navi Mumbai 400 709
- 13 Tata Teleservices Ltd.
rep. by its Secretary
Jeevan Bharti Towre I
No.124 Connaught circus,
New Dlehi 110 065
- 14 M/s Culture Machine
Hi Tech Media,
Venkateswara Colony,
Nehru Nagar, Perungudi,
Chennai Tamil Nadu
- 15 M/s.Cine Curry Tamil
401 Agarwal golden chambers,
Fun Republic Road
Behind Balaji Telefilms,
Off Link Road,
Andheri (West)
Mumbai 400 053
- 16 M/s.Super Cinema
Sarika A Jain,
C4/104 Ambika Building,
Sector 8, Shanthi Nagar,
Mira Road, Thane,
Mumbai -401 107

- 17 M/s Super south Tamil
401 Agarwal Golden chambers,
Fun Republic Road.
Behind Balaji Telefilms,
Off LInk Road,
Andheri (West)
Mumbai 400 053
- 18 M/s Mishri Movies Tamil
21/9 Cenotaph Road
2nd lane Raj Paris Apt,
Alwarpet,
Chennai 600 018
- 19 M/s Picture Hall
Sarika A Jain,
C4/104 Ambika Building,
Sector 8,
Shanthi Nagar,
Mira Road, Thane,
Mumbai 401 107
- 20 M/s.Boxtv
Times Boxty Media Pte Ltd.,
Times tower 7th Floor,
Trade Gardens, Kamala Mills compound,
Lower Parel,
Mumbai-400 013
- 21 Mr.Gajendra Chavan-Manager Acquisition
Hungama Digital Media Entertainment Pvt Ltd.
F1, Ist Floor,
Laxmi Woollen Mills Estate,
Sakthi Mills lane
Off Dr.E.Moses Road,
Mahalaxmi,
Mumbai 400 011,

- 22 M/s.Gobindas Entertainment Pvt Ltd.
124 Line No.1 Anupam Gardens,
Sainik Farms,
Saidulajad New Delhi 110 068
- 23 M/s.Bigflix
4th Floor,
Infinity Mall, New Link Road,
Andheri (West)
Mumbai 400 053
- 24 iDream Media
Arora colony Road
Sri Nagar Colony
Aurora Colony,
Banjara Hills,
Hyderabad 500 073
- 25 Divo Tv Private Ltd.
19/10 1C Parangasupuram Street,
Kodambakkam,
Chennai 600 024
- 26 Chennai Films Tamil
Nirvana Digital,
10 L.N pappan Marg,
Upper Worli,
Worli, Mumbai
- 27 K.Rajashekar Reddy
M/s. Top Films,
H No.433/55 Hal Colony,
Old Bowenpally,
Secunderabad 500 011
- 28 Moviezz
Bada Collections Chennai Private Limited,
78/12 Ist Street, Kazura Garden,
Nilankarai,
Chennai 600 041

29 Mr.Ashok Kumar
Unknown Person India

30 Mr.Ashok Kumar
Unknown Person India

*31 K.P.Vincent, S/o.Porunju
H.No.110/17, Vannyer Street,
Kodambakkam, Chennai-600 024

*Amended as per order in A.No.3908 of 2017, dated 10.08.2017 and time extended by orders dt.24.08.2017 and 31.08.2017.

*32.Sajith Pachat,
S/o Sahadevan Pachat,
Pachat House,
P.O.Nadakkavu,
Calicut 673 011 ... Defendants

*Impleaded as per order dt.19.2.18 made in A.No.1349/18

A.Nos.1349 & 1350 of 2018:

Mr.Sajith Pachat,
S/o Sahadevan Pachat,
Pachat House,
P.O.Nadakkavu,
Calicut 673 011

..Applicant/Proposed Party
in both Applications

-vs-

1 M/s.Sreedevi Video Corporation
represented by its Partner
Mr.Ghanshyam Hemdev
No.5/3 Muktha Garden,
Spurtank Road,
Chetpet, Chennai 600 031

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Nilankarai,
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- 31 Mr.Ashok Kumar
Unknown Person India
- 32 K.P.Vincent, S/o.Porunju
H.No.110/17, Vannyer Street,
Kodambakkam, Chennai-600 024 ... Respondents/
(Impleaded as 31st defendant Defendants
as per order dated 10/8/2017 in both Applications
passed in Appln.3908/2017)

A.No.1349 of 2018 :

Application praying that this Hon'ble Court be pleased to implead the applicant as the 32nd defendant in C.S.No.922 of 2016.

A.No.1350 of 2018 :

Application praying that this Hon'ble Court be pleased to implead the applicant as the 32nd respondent in Application No.1102 of 2016 in C.S.No.922 of 2016.

These applications coming on this day before this court for hearing the court made the following order:

This Common order will dispose of both these applications. Both these applications have been taken out invoking Order I Rule 10(2) of

the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC' for brevity). While Application No. 1349 of 2018 has been taken out with a prayer for impleading the applicant as Defendant No.32 in the main suit, Application No. No.1350 of 2018 has been taken out with a prayer to implead the applicant as Respondent No.32 in O.A.No. 1102 of 2016, which is an injunction application taken out by the plaintiff in the main suit.

2. Main suit has been filed by the plaintiff complaining of infringement in as many as 1044 Cinematograph films, which has been set out in Schedule A to the Judge's summons. These 1044 Cinematograph films are referred to as 'Suit films' for the sake of brevity, convenience and clarity.

3. It is the specific case of the applicant in these two applications that the applicant has got assignment of copyright in 33 out of 1044 suit films. It is also submitted by the applicant that the applicant has acquired copyright from one Century Films under a Deed of Assignment dated 31.08.2017. Learned Counsel for plaintiff Mr.Hari Shankar, who is respondent No.1 in these two applications, points out that the suit itself was filed on 01.12.2016 and numbered as C.S.No.922 of 2016, whereas the applicant claims that they have got assignment of copyright in 33 cinematograph films out of 1044 films only on 31.08.2017, which is pending suit.

4. On the above basis, learned Counsel for the first respondent in these two applications, who is plaintiff in the main suit, submits that the applicant is not a necessary party. On the face of it, there is no difficulty in accepting this submission that the applicant is not a necessary party, but as the applicant claims that

he has acquired copyright in 33 out of 1044 suit films, in my opinion, the applicant is a proper party, as the main suit pertains to alleged infringement of copyright in suit films. Therefore, I deem it appropriate to allow these two applications and implead the applicant herein as Respondent No.32 in O.A.No. 1102 of 2016 and as Defendant No.32 in C.S.No.922 of 2016 leaving open all rights and contentions regarding the assignment the applicant is said to have acquired in 33 films.

5. Plaintiff undertakes to carryout necessary amendments to the plaint within a fortnight from today, i.e., on or before 02.03.2018. Plaintiff undertakes to serve amended copies of plaint on all the defendants who have entered appearance within a fortnight therefrom. Main suit has already been directed to be listed on 16.03.2018, vide separate proceedings.

In effect, both these applications are allowed. There shall be no order as to costs.

Sd/- M.S.J.

19.02.2018

//Certified to be true copy//

Dated at Madras this the day of 2017.

TR : 14.03.2018

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.