

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 03TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE M.SUNDAR

A. No.6642 of 2018

Balaji Motion Pictures Limited
C-13, Balaji House,
New Link Road, Andheri (West),
Mumbai 400 053.
Represented by its Manager Legal
Mr. Prateek Sanghvi

... Plaintiff

Vs

1. Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi-110 001.
2. Mahanagar Telephone Nigam Ltd
5th Floor, Mahanagar Doorsanchar Sadan,
9, CGO Complex, Lodhi Road, New Delhi 110003
3. Bharti Airtel Limited
Bharti Crescent, 1, Nelson Mandela Road,
Vasant Kunj, Phase II,
New Delhi - 110 070
4. Aircel Cellular Limited,
5th Floor, Spencer Plaza,
769 Anna Salai,
Chennai - 600002.
5. Hathway Cable & Datacom Limited,
4th Floor, "Rahejas",
Main Avenue, Santacruz (W),
Mumbai - 400054.
6. Excitel Broadband Pvt.Ltd.
O-2, 2nd Floor, Lajpat Nagar-II
New Delhi 110024, India.

Lower Parel, Mumbai - 400 013.

8. Idea Cellular Limited,
Suman Tower, Plot No. 18,
Sector 11, Gandhinagar,
Gujarat - 382 011.
9. Reliance Communications Infrastructure Limited,
Dhirubhai Ambani Knowledge City,
Navi Mumbai 400709.
10. Tata Docomo,
2 A, Old Ishwar Nagar,
Main Mathura Road,
New Delhi 110065
11. Syscon Infoway Pvt. Ltd.
402, fourth floor, Skyline icon,
Andheri Kurla Road, Behind Mittal ind. estate,
Andheri east, Mumbai-400059.
12. Telenor Communications Services Pvt. Ltd.
The Masterpiece, Plot No.10, Golf Course Road,
Sector 54, DLF Phase 5, Gurgaon, 122002
13. Tikona Digital Networks Private Limited,
3A, 3rd Floor, 'Corpora', L.B.S. Marg,
Bhandup (West), Mumbai - 400 078
14. BG Broadband India Private Limited,
Plot No. 54, Marol Industrial Cooperative Area,
Off Andheri Kurla Road,
Andheri (East), Mumbai - 400059.
15. Sify Technologies Limited,
2nd Floor, 'TIDEL PARK',
No. 4, Canal Bank Road,
Chennai - 600 113.
16. Siti Broadband Services Pvt. Ltd
B-10, Lawrence Road, Industrial Area,
New Delhi North West
DL 110035 IN
17. You Broadband & Cable India Ltd,
2nd and 3rd Floor, IQARA Centre,
Near Gujarat Gas Circle,
Adajan-Hazaria Road,
Surat - 395009
18. Asianet Satellite Communications,
2A, II floor, Leela Infopark,
Technopark Limited, Kazhakkootam,

Thiruvananthapuram, Kerala - 695581.

- 19.Data Infosys Limited,
Station Road, Durgapura,
Jaipur 302018.
- 20.Readylink internet Services Limited,
Galaxy, Plot no 7, Sakthi Colony,
RK Puram, Ganpathy,
Coimbatore - 641006.
- 21.Opto Network Private Limited
B-86, Sector-14
Noida-201301
Uttar Pradesh
India
- 22.Nettlinx Limited,
5-9-22, 3rd floor,
My Home Sarovar Plaza,
Secretariat Road, Saifabad,
Hyderabad-500004
- 23.City Online Services Limited,
701, 7th Floor,
Aditya Trade Center, Ameerpet,
Hyderabad-500 038.
- 24.Pioneer eLabs Limited,
Pioneer Towers, 7th Floor,
Plot No.16, Survey No.64,
Software Unit Layout,
APIIk, i-Tech City, Madhapur,
Hyderabad: 500080.
- 25.AT&T Global Network Service India Pvt. Ltd.,
13th floor, 1305-06, Mohan Dev House,
13, Tolstoy Marg,
New Delhi-110 001.
- 26.Nextgen Communications Limited
Gulmohar House,
161/B-4 Gautam Nagar,
Yusuf Sarai,
New Delhi - 110 049, India
- 27.Virgo Global Media Limited,
9-1-93 & 84, Amarchand Sharma Complex,
S. D. Road, Secunderabad - 500003
- 28.Southern Online Bio Technologies Limited,
Flat no. A3, 3rd floor, office block,
Samrat Complex, Saifabad,

Hyderabad-500004

29. MyNet Services India Private Limited,
#12, I floor, IV cross,
Gandhipuram, Pallipalayam
Erode-638006.
30. Reliance Jio Infocomm Ltd,
9th Floor, maker Chambers-IV
222, Nariman Point, Mumbai 40021, India
31. Limras Eronet Broadband Services Private Limited,
18/7 3rd Street, West Mambalam,
Chennai 600 033.
32. RS Broadband Service India Private Limited,
AL - 134, 2nd Street, 11th Main Road,
Anna Nagar, Chennai: 600 040.
33. Spectra ISP Networks Pvt. Ltd.
Plot No. 21-22, 3rd Floor
Udyog Vihar, Phase IV,
Gurgaon - 122 015.
34. Pulse Telesystems Private Limited,
51/52, Real Towers,
3rd Floor Royapettah High Road,
Mylapore, Chennai - 600004.
35. EsselShyam Communications Ltd.
1121, Hemkunt Chambers, 11th Floor,
89 Nehru Place New Delhi-110019 India
36. Five Network Solution (I) Ltd.
22/2, Plot No 275-B,
Gurunanak School Compond,
Sion (West), Mumbai 400022.
India.
37. Atria Convergence Technologies Private Limited
Indian Express Building,
No.1, 2nd Floor ,
Queen's Road, Bengaluru - 560 001,
Karnataka
Also at
Steeple Reach, Ground Floor,
A Block, West Wing , Cathedral Road,
Chennai - 600086, Tamil Nadu.
38. Thalainagar Digital Cables (p) Ltd,
No. 16, South Park Street,

Venkatapuram, Ambattur, Chennai,
600053

39.Cablecast New Media Pvt. Ltd
26/1 first floor 3rd cross street
Kasturibainagar, Adyar Chennai - 600020

40.C32 Cable Net Pvt. Ltd.
old No. 284, New No. 204,
Shanmugam Salai, Royapettah,
Chennai - 600 014.

41.Team 5 Network
13 M, Block AM Garden,
Mandaveli Chennai- 28

42.SND Satellite Vision
New No,40/83/1, Muttiah Street Vellala,
Teynampet Chennai-86

: Respondents

Application praying that this Hon'ble Court be pleased to grant leave to sue the Defendant/Respondent nos. 1 to 3, 5 to 14, 16 to 30, 33, 35 to 38 before this Hon'ble Court.

This Application coming on this day before this court for hearing the court made the following order:

This is a leave to sue application under Clause 12 of Letters Patent.

2. Main suit pertains to assertion of plaintiff's copyright in the cinematographic film titled "Laila Majnu" in Hindi language, starring Tripti Dimri, Mir Sarwar, Avinash Tiwary and others, directed by Sajid Ali.

3. Defendant Nos.1 to 3, 5 to 14, 16 to 30, 33 and 35 to 38 are carrying on business outside the territorial jurisdiction of this Court.

4. Be that as it may, this leave to sue application under Clause 12 of Letters Patent is predicated on the ground that the aforesaid cinematographic film and copyright therein, which is subject matter of the lis, has been promoted and communicated in theaters all over India including Chennai. It is also the case of the plaintiff that the websites and web pages of the respondents are freely accessible all over India including Chennai. On this basis, it is plaintiff's say that part of cause of action for this lis has arisen within the territorial jurisdiction of this Court. On the above basis, leave to sue is sought for qua the aforesaid defendants.

5. Having perused the plaint and the affidavit filed in support of this application, I am of the *prima facie* view that the prayer herein deserves to be acceded to as it has been averred that part of cause of action has arisen within the territorial jurisdiction of this Court.

6. In the light of the narrative supra, the instant application is ordered as prayed for / allowed.

Sd/-M.S.J
03.09.2018

//Certified to be a true copy//
Dated this the day of 2018.

KY/03.09.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.