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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 104/2017 and I.A. Nos.9401/2017 (under Order 1 Rule 10 CPC) & 9402/2017 (under Order 8 Rule 1 CPC)

TV TODAY NETWORK LIMITED Plaintiff
Through: Mr. Sajad Sultan, Advocate.

versus

TV18 BROADCAST LIMITED Defendant
Through: Mr. Mayank Mikhail Mukherjee,
Advocate with Mr. Sumant De,
Advocate.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **21.02.2018**

1. Plaintiff in the suit is TV Today Network Limited. Defendant in the suit is TV 18 Broadcast Limited. As per the plaint, plaintiff claims copyright in an animation movie "So Sorry" and which is telecast by the plaintiff company and its group concern.

2. Defendant has appeared in the suit and not only filed the written statement but also has filed an application being I.A. No.9401/2017. It is the case of the defendant that the infringing telecast/cause of action as per the plaint is by ETV-Uttar Pradesh/Uttarakhand and that the defendant

company is not the owner of and nor is running the show “Ajab Gajab” being run by the ETV-Uttar Pradesh/Uttrakhand and ETV Uttar Pradesh/Uttrakhand is owned by a separate legal entity being Panorma Television Pvt. Ltd and not the defendant. I may also note that defendant does not claim to violate in any manner the animation show of the plaintiff being telecast under the heading “So Sorry” and nor does the defendant claim that it has telecast the show “Ajab Gajab” which is said to be in violation of the copyright of the plaintiff in the animation movie “So Sorry”. Therefore once the defendant does not claim to violate the copyright of the plaintiff in animation movie “So Sorry” and does not claim to be the owner of the infringing animation movie “Ajab Gajab”, counsel for the defendant states that suit need not be continued against the defendant and that plaintiff will have to file a suit against Panorma Television Pvt. Ltd which owns ETV-Uttar Pradesh/Uttrakhand and which is telecasting the show “Ajab Gajab” which is said to be in violation of the plaintiff’s copyright.

3. Accordingly, in view of the statement made on behalf of the counsel for the defendant that defendant does not claim any copyright in the work of the plaintiff being the animation movie “So Sorry”, and binding the

defendant to the statement made by its counsel today the suit is disposed of as not pressed but liberty is granted to the plaintiff as prayed for to file appropriate legal proceedings against the entity which owns the show “Ajab Gajab” or any person/entity running/telecasting etc any other show which violates the copyright of the plaintiff including the entity Panorma Television Pvt. Ltd or any other owner of any show “Ajab Gajab” violating the copyright of the plaintiff. Defendant will be bound by the statement made today by the counsel for the defendant.

4. If there is any copyright work of the plaintiff which is shown on the website of the defendant, then, counsel for the defendant states that defendant will also remove any such work which may be infringing the copyright of the plaintiff in the animation movie “So Sorry”.

5. Suit is accordingly disposed of with the aforesaid observations and liberty.

VALMIKI J. MEHTA, J

FEBRUARY 21, 2018

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