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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 694/2016 & IA No.7180/2016 (u/O XXXIX R-1&2 CPC)**

SUPER CASSETTES INDUSTRIES PVT. LTD. Plaintiff

Through: Mr. K.K. Khetan, Adv.

Versus

MAHARAJA CABLE NETWORK Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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02.05.2018

1. The plaintiff has instituted this suit for permanent injunction to restrain the defendant situated at Jaipur in Rajasthan and carrying on business as a Cable TV Operator from infringing the copyright of the plaintiff in cinematograph films, music and sound recording and for ancillary reliefs of delivery and recovery of damages.

2. The suit was entertained and vide *ex parte* order dated 1st June, 2016, while issuing summons of the suit, the defendants, their officers, servants, agents and representatives and all others acting for and on their behalf, during the pendency of the present suit, were restrained from authorizing, the recording, distributing, broadcasting, public performance/communication to the public or in any other way exploiting the cinematograph films, sound recordings and /or literary works (lyrics) and Musical works (musical composition) or other work or part thereof throughout India, that are owned by the Plaintiff, including all works whereon the Plaintiff has shown its copyright under section 52A of the

Copyright Act or doing any other act that would lead to infringement of the Plaintiff's copyright, through its Ground Cable Network.

3. The subsequent order dated 18th October, 2016 records that the defendant had refused service of the process sent through speed post. However, the plaintiff was directed to take fresh steps for service of the defendant.

4. The plaintiff thereafter from time to time took steps for service of the defendant and the order dated 15th January, 2018 records that the defendant had been duly served. Though none appeared for the defendant but time was given to the defendant to file written statement. None appeared for the defendant thereafter also and no written statement has been filed. None appears for the defendant today also.

5. The defendant is proceeded against *ex parte*.

6. The plaintiff, on the pleadings and the documents filed therewith has made out a case for grant of the relief of permanent injunction as claimed and the need to relegate the plaintiff to *ex parte* evidence is not felt for the reasons given in ***Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del 508 and in subsequent orders in several matters.

7. The plaintiff has also claimed the relief of damages. Considering the facts of the case, damages due to the plaintiff are assessed at Rs.10 lacs.

8. A decree is accordingly passed in favour of the plaintiff and against the defendant i) of permanent injunction in terms of prayer paragraph 37(i)

of the plaint dated 31st May, 2016; ii) of recovery of damages in the sum of Rs.10 lacs; and, iii) for recovery of costs of the suit assessed in total at Rs.1.50 lacs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

MAY 02, 2018
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