$~4

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

\+ CS(COMM) 744/2016 & IA No.7535/2016 (u/O XXXIX R-1&2 CPC)

SUPER CASSETTES INDUSTRIES PVT. LTD. ..... Plaintiff

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

Versus

MAHARAJA CABLE NETWORK
(GANGOR NAGAR) ..... Defendant

Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

% 02.05.2018

1. The plaintiff has instituted this suit for permanent injunction to restrain the defendant situated at Sri Ganga Nagar 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 3rd 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 order dated 2nd February, 2017 records that from the reports on the processes issued to the defendant by ordinary process as well as through speed post, it appeared that the defendant was not operating or based at the address given and the plaintiff was granted another opportunity to serve the defendant at fresh address.

4. The subsequent order dated 15th January, 2018 records that the defendant had been duly served. Though none appeared for the defendant on that day but opportunity was given to the defendant to file written statement.

5. No written statement was filed by the defendant and none appeared for the defendant thereafter also. None appears for the defendant today also and no written statement has been filed.

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

7. 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 reason given in ***Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del 508 and in subsequent orders in several matters.

8. 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.

9. A decree is accordingly passed in favour of the plaintiff and against the defendant i) of permanent injunction in terms of prayer paragraph 38(i) of the plaint dated 2nd June, 2016; ii) of recovery of damages in the sum of Rs.10 lacs; and, iii) of 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
'gsr'..