

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-7386-2019

Date of decision: 21.11.2019

M/s Phonographic performance limited

...Petitioner

Versus

M/s Tamzara and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mrs. Kanwal S. Walia, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 30.10.2019 (Annexure P-2) passed by the Additional District Judge, Chandigarh, whereby evidence of plaintiff-petitioner has been closed by order. Further, application moved by the petitioner seeking adjournment of the case in order to complete its evidence has been dismissed.

Plaintiff-petitioner has filed a suit under Section 55 of the Copyright Act, 1957 restraining defendant-respondent No.1 from infringement of the copy rights and for rendition of accounts. In this suit, respondent No.1 failed to appear and was proceeded against exparte vide order dated 24.08.2018. On 29.05.2019, plaintiff tendered its evidence and produced certain documents. Thereafter, the case was adjourned for 01.08.2019 for exparte evidence of plaintiff. However, plaintiff could not conclude its evidence. Plaintiff made an application for grant of one opportunity for concluding its evidence, which has been dismissed vide

adjourned to 14.11.2019 for arguments.

In the given circumstances of the case, to impart complete justice to the parties, it would be appropriate, if adequate opportunity is provided to the parties to lead their evidence.

Accordingly, the impugned order dated 30.10.2019 (Annexure P-2) is set aside and trial Court is directed to provide two effective opportunities to plaintiff-petitioner to produce and conclude its entire evidence. First effect opportunity shall commence w.e.f. 16.01.2020.

Allowed accordingly.

21.11.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No