

A.Nos.1899, 1900 of 2020
in C.S.No.423 of 2019

C.V.KARTHIKEYAN J,

Both these applications have been filed by the plaintiff in the suit. In A.No.1899 of 2020 the plaintiff seeks to implead M/s.Arka Media Works Private Limited as the second respondent in O.A.No.665 of 2019 and in A.No.1900 of 2020 the plaintiff seeks to implead the said M/s.Arka Media Works Private Limited as the second defendant in the suit.

2. In the affidavit filed in support of the said application, it had been stated that the suit has been filed for damages of Rs.2,00,00,000/- (Rupees Two Crores only) for infringement of the copyright of the plaintiff and for permanent injunction restraining the defendant from reproducing or distributing the movie "BAAHUBALI".

3. The first defendant had filed a counter and they had stated that they had obtained the rights to broadcast the movie from the original

copyright holder, M/s.Arka Media Works Private Limited who is now sought to be impleaded as the second respondent in the application and the second defendant in the suit. It was also stated in the counter of the original defendant that the present proposed respondent / defendant is a necessary party to the proceedings.

4. Notice had been directed and counter has been filed by M/s.Arka Media Works Private Limited objecting to be added as a party to the present proceedings. It is their contention that though they were the original copyright holders of the movie "BAAHUBALI the beginning", they had assigned the said copyright to another entity M/s.Aadnah Arts by an agreement dated 27.10.2015 with respect to the rights in Tamil language only. They have a grievance. They complain that M/s.Aadnah Arts had violated the said agreement and that thereafter assigned certain rights to the plaintiff. It is also stated that they have also filed a suit as against M/s.Aadnah Arts and also the plaintiff in C.O.S.No.41 of 2019 on the file of the XXIV Additional Chief Judge, Commercial Court, City Civil Court in Hyderabad seeking permanent injunction from exploiting the very same movie and now under consideration of this Court namely "BAAHUBALI the beginning".

5. Heard Arguments.

6. To decide the issues raised in the plaint, proper and necessary parties are required to determine the facts. The plaintiff claim copyright of the movie. Their assignment is questioned by the defendant. The defendant has claimed rights to exhibit the movies from M/s.Arka Media Works Private Limited. In their counter, M/s.Arka Media Works Private Limited have stated that they had granted rights to another entity, M/s.Aadnah Arts who is said to have assigned the rights to the plaintiff. Such assignment has also been questioned by M/s.Arka Media Works Private Limited in a suit now pending in the City Civil Court in Hyderabad.

7. To appreciate and determine all these facts, it is only appropriate that the proposed respondent / defendant is made also a party to the present suit, since facts have to be determined and then adjudicated. They are required to inform not only the Court, but also the contesting parties all issues relating to the assignment of the rights. The original copyright holder is certainly a necessary party to the list.

8. The proposed party would not only be bound by any order passed by the Court but, it is also in their interest that the rights of the movie "BAAHUBALI the beginning" are decided in their presence. Therefore it would also be beneficial to them to be impleaded as a respondent / defendant.

9. In view of the above reasons, the applications are allowed.

10. Registry to carry out the necessary amendments showing M/s.Arka Media Works Private Limited as the second respondent in O.A.No.665 of 2019 and the second defendant in C.S.No.423 of 2019.

11. Plaintiff to file the amended copy of the plaint and also the amended copy of the application and also to serve copies to the respondent who was originally shown as a party and also to the respondent now impleaded. Opportunity is granted to the respondents to file their counter to the application.

12. List the matter once again on 15.12.2020.

23.11.2020

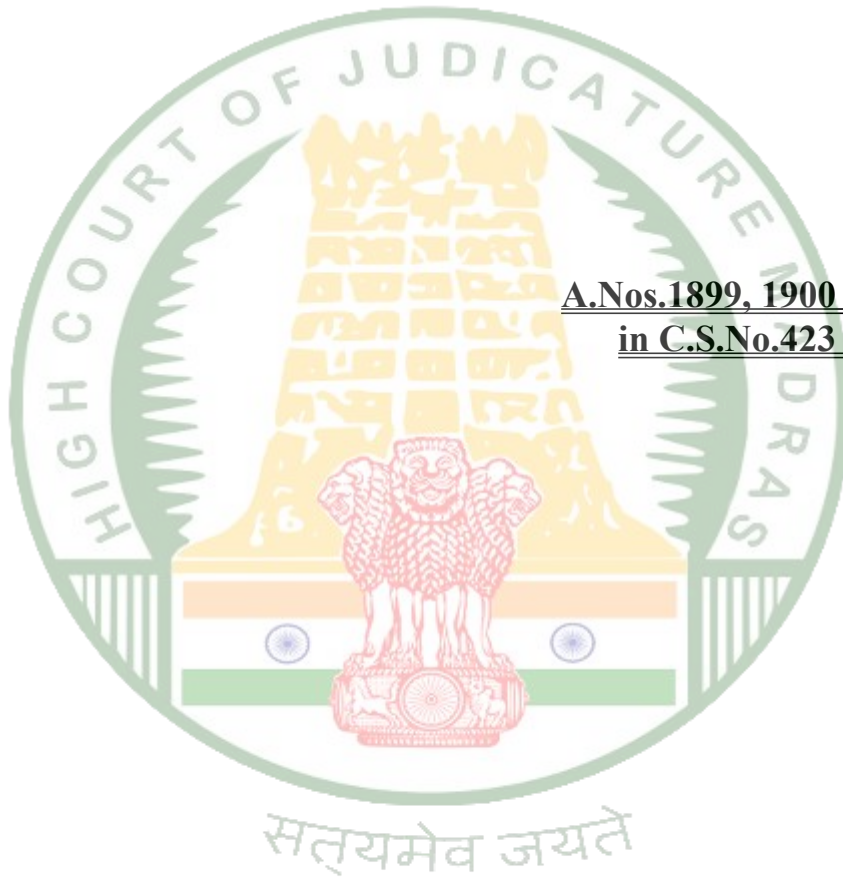
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