

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.904 of 2003

1. Periasamy Kalaiappan
2. G.Sridhar @ Dr.Gopu Sridhar ... Plaintiffs

Versus

1. A.R.Rahman
2. Sony Music Entertainment India Ltd.
Rep. By its Managing Director
3. Deepak Gattani
4. U T V Software Communication Ltd.,
Rep. By its Managing Director ... Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules read with Sections 55 and 62 of the Copy Rights Act, praying to pass a judgment and decree:-

- a) pass a Judgment and decree against the defendants jointly and severally, to direct them to pay Rs.3 crores towards damages for the breach committed by them in violation or the Agreements dated 06.08.1998 and 10.11.1998 and to pay interest together with the said amount @ 24% per

- annum from the date of the plaint till the date of realisation;
- b) for a declaration declaring that the plaintiffs are the absolute owners of the 'Audio Rights' of the 'live' stage programme held at A1-Shabhah Stadium, Dubai, U.A.E. On 02.12.1998 performed by the first plaintiff and his troupe. Consequently, injuncting the defendants, their men, servants or agents or any one claiming under them or acting on their behalf from in any way infringe the plaintiff Audio rights assigned to them virtue of the said agreements dated 06.08.1998 and 10.11.1998 in any other manner either in future or on any other date;
- c) For a permanent injunction restraining the defendants, their men, agents or servants or anyone acting on their behalf from in any way sell or attempt to sell the cassettes under any name containing any of the song sung by the singers at the Live Stage Programme held at A1-Shabhab, Dubai, U.A.E. On 02.12.1998, which is covered under the Agreement dated 06.08.1998 & 10.11.1998;
- d) grant such other suitable reliefs as this Court may deem fit and proper in the above circumstances; and
- e) pay the cost of the above suit.

For Plaintiffs : Mr.C.Umashankar

For Defendants : Ms. Narmadha Sampath, for D1

J U D G M E N T

Mr.C.Umashankar, learned counsel appearing for the plaintiffs would submit that he had sent notices to the plaintiffs requiring their instructions to proceed with the suit. While notice sent to the first plaintiff was returned and the second plaintiff having received the same has not responded. Hence the suit is dismissed for non-prosecution. No costs.

19.07.2021

jv

Index : No

Internet : Yes

Non-speaking Order

List of the witnesses examined on the side of the plaintiffs: Nil.

List of Exhibits marked on the side of the plaintiffs: Nil.

List of the witnesses examined on the side of the defendants: Nil.

List of Exhibits marked on the side of the defendants: Nil.

WEB COPY

19.07.2021

jv

R.SUBRAMANIAN, J.

jv

To

The Sub Assistant Registrar
Original Side,
High Court of Madras.



C.S.No.904 of 2003

WEB COPY

19.07.2021