

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No. 1027 of 2005

S. Jaggannathan

... Plaintiff

Vs.

1. Raj Video Vision,
703, Anna Salai,
Chennai - 600 006.

2. Vijaya Productions Pvt., Ltd.,
183, Arcot Road,
Chennai - 600 026.

... Defendants

Prayer:

Civil Suit is filed under Order IV Rule 1 of the Original Side Rules r/w Order VII Rule 1 of Civil Procedure Code and Sections 52 & 60 of the Copyright Act, (a) granting a permanent injunction restraining the first defendant, their agents and servants and all persons claiming under or through the first defendant from infringing the limited copyright of the plaintiff with reference to making and marketing DVDs and VCDs of the 19 films listed in the schedule anywhere in India or the union territories of India for 99 years commencing from 12.10.2005 either by marking any such discs are

marketing any such discs in such territories during such period;

(b) directing the 1st defendant to pay to the plaintiff the costs of this Suit.

For Plaintiff : Ms.Archana for
M/s. Rugan & Arya

For Defendants : No Appearance

J U D G M E N T

The suit had been filed under Sections 52 and 60 of the Copy Right Act, 1958, seeking an injunction against the 1st defendant from infringing the limited Copy Right of the plaintiff with respect to making and marketing DVDs and VCDs of the 19 films listed in the schedule to the plaint.

2. It is an assertion of an intellectual property right. The lists can therefore be termed as a Commercial Dispute and the Commercial Division of this Court will have necessary jurisdiction to examine the issues raised under Section 2 (1) (c) (xvii) of the Commercial Courts Act, 2015.

3. The plaintiff was directed to file an affidavit indicating whether

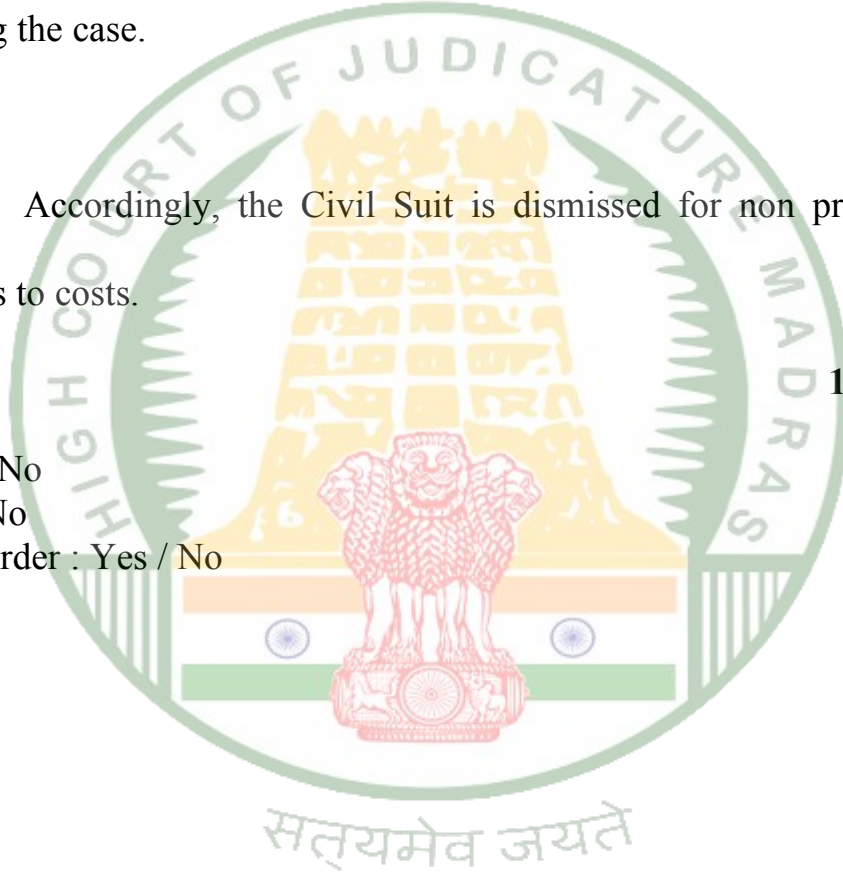
the cause of action still survives.

4. The learned counsel for the plaintiff states that there had been no response from the plaintiff. It is clear that the plaintiff is not interested in prosecuting the case.

5. Accordingly, the Civil Suit is dismissed for non prosecution.
No order as to costs.

17.03.2021

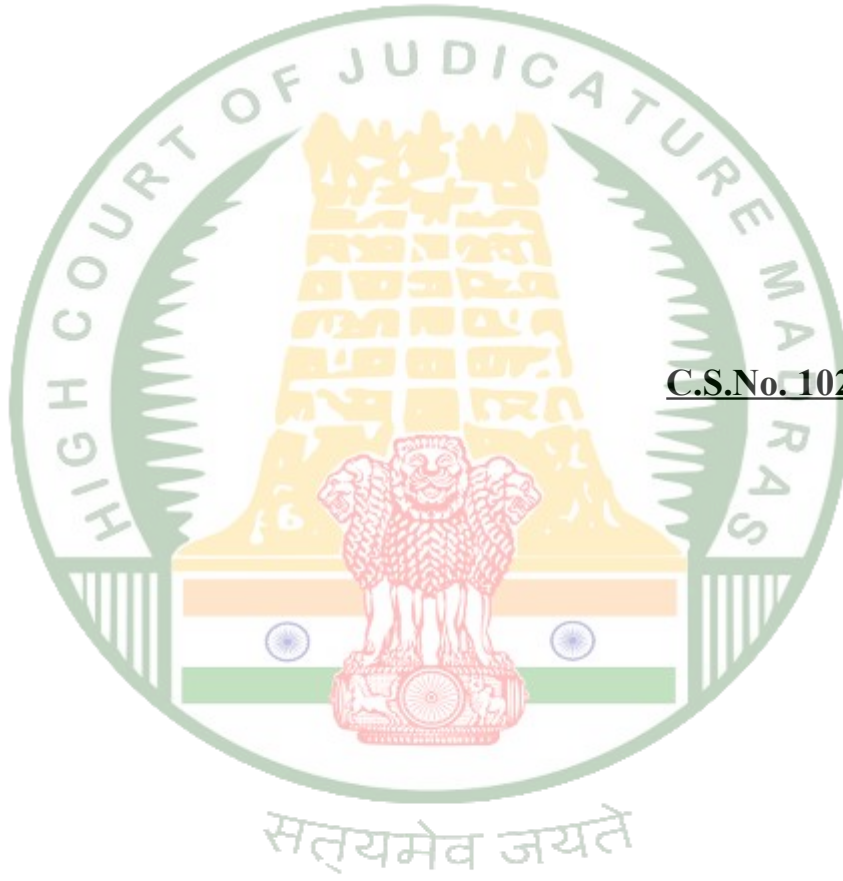
Index: Yes/No
Web: Yes/No
Speaking order : Yes / No
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C.V.KARTHIKEYAN, J.

msm



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