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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 07TH DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.(Comm.Div) No.962 of 2016

and

O.A.No. 1138 of 2016

M/s.Novex Communications Pvt. Ltd.,
Rep by its General Manager Operations,
Mr.N.Gopalakrishnan
B/301, Remi Biz Court, Plot No.9
Shah Industrial Estate,
Off Veeral Desai Road,
Andheri (West) Mumbai-400 058.

.. Plaintiff/Applicant

/versus/

Hotel Leela Palace Chennai,
Represented by its General Manager,
Adyar Sea face, M.R.C.Nagar,
Chennai-600 028.

.. Defendant/Respondent

Civil suit praying that this Hon'ble Court be pleased to pass a judgment and decree:-

(a) For a permanent injunction restraining the defendant, their men, partners, directors, employees, agents, servants, assigns, heirs, successors, assignees, licensees, representatives or any person claiming through them or acting on their behalf or any other person claiming through/under them from



works of the plaintiff to the public or allowing their premises or any premises under their control to be used for the said purpose without license from the plaintiff or in otherwise infringing copyright in any work assigned to the plaintiff;

(b) Costs of the suit.

O.A.No. 1138 of 2016

Original Application praying that this Hon'ble Court be pleased to pass an order of ad interim injunction restraining the respondent, their men, agents, servants, assigns, heirs, representatives, successors or any other person claiming through/under them from in any manner publicly performing or communicating the sound recordings works of the Applicant to the public or allowing their premises or any premises under their control to be used for the said purpose without license from the Applicant or otherwise infringing copyright in any work owned and administered by the Applicant, in any manner whatsoever, pending the disposal of the present suit.

This Civil suit along with Original application coming on this day before this court for hearing in the presence of MR.P.V.Balasubramaniam, Advocate for the Plaintiff in C.S.No. 962 of 2016 and for the Applicant in



respondent in O.A.No. 1138 of 2016 not appearing in person or by advocate and upon reading the plaint filed in C.S.No. 962 of 2016 and the order dated 23.02.2017 made in O.A.No. 1138 of 2016, and the learned counsel for the plaintiff having stated that the defendant has entered into compromise and agreed to pay royalty to the plaintiff, hence, the plaintiff is not pressing the suit, and this court doth recording the same, it is ordered as follows:-

That the Suit in C.S.No. 962 of 2016, be and is hereby dismissed as not pressed.

2. That the connected O.A.No. 1138 of 2016 do stand closed.

3. That there shall be no order as to costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 07th DAY OF JULY 2021.

Sd./-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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C.S.(Comm.Div) No.962 of 2016
and
O.A.No. 1138 of 2016

ORDER :-
DATED:07.07.2021

THE HON'BLE DR. JUSTICE
G.JAYACHANDRAN

FOR APPROVAL:23.07.2021

APPROVED ON: 26.07.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.(Com.Div.) No.962 of 2016(A)

and

O.A.No.1138 of 2016

M/s.Noves Communications Pvt. Ltd.,
Rep by its General Manager Operations,
Mr.N.Gopalakrishnan
B/301, Remi Biz Court, Plot No.9
Shah Industrial Estate,
Off Veeral Desai Road,
Andheri (West) Mumbai-400 058. .. Plaintiff

/versus/

Hotel Leela Palace Chennai,
Represented by its General Manager,
Adyar Sea face, M.R.C.Nagar,
Chennai-600 028. .. Defendant

This Civil Suit is filed under Order IV Rule 1 Original Side Rules read with Order VII Rule 1 of CPC Read With Sections 51, 55, 62 of the Copyright Act, 1957, prayed for (a) For a permanent injunction restraining the defendant, their men, partners, directors, employees, agents, servants, assigns, heirs, successors, assignees, licensees, representatives or any person claiming through them or acting on their behalf or any other person



communicating the sound recordings works of the plaintiff to the public or allowing their premises or any premises under their control to be used for the said purpose without license from the plaintiff or in otherwise infringing copyright in any work assigned to the plaintiff;

(b) Costs of the suit.

For plaintiff : Mr.P.V.Balasubramaniam

For Defendant : No appearance

JUDGMENT

The suit is filed for the relief of permanent injunction restraining the defendant, their men and agents from any manner publicly performing or communicating the sound recording works of the plaintiff to the public or allowing their premises for such communication.

2. At the time of admission, this Court, considering the prima facie case made out by the plaintiff, granted interim order as prayed. The suit summon was served on the defendant on 11.05.2017. However, there is no appearance on behalf of the defendant.

3. Today, the learned counsel for the plaintiff states that the defendant has entered into compromise and agreed to pay royalty to the plaintiff.

Hence, the plaintiff is not pressing the suit.



WEB COPY 4. Recording the same, the suit is dismissed as not pressed.

Consequently, connected application is also closed. No order as to costs.

Sd./-(G.J.J.,)

07.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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