

A.No.2839 of 2021
in
C.S.(Comm. Div.)No.31 of 2021

DR.G.JAYACHANDRAN, J.

The suit is filed under the Copy Right Act alleging infringement.

2. All the defendants are dwelling/carrying on business outside the jurisdiction of this Court. The Registry has numbered the suit without leave to sue. Regarding the application of clause 12 of Letters Patent Act for the suits under the Copy Right Act is already a subject matter of conflicting judgement. In such circumstances, when this Court requested the counsel to convince how the suit without leave can be entertained by this Court against the defendants who are carrying on business outside the jurisdiction of the Court, the learned counsel for the plaintiff to avoid future complications had taken out this application under clause 12 of the Letters Patent to grant leave to sue. However, the Registry has returned the application with a query whether such application is maintainable after numbering the suit.

3. This Court is of the view that though the suit has been numbered even, this application is filed before causing notice. This Court has found that unless sufficient cause to grant leave, the suit on the original side of the High Court, cannot be entertained. The plaintiff has accordingly filed the application to grant leave to sue.

4. The Registry is directed to number the leave to sue application. Prima-facie, this Court is convinced that the plaintiff, who is carrying on business within the jurisdiction of this Court, is aggrieved by the act of the defendants who though are carrying on business outside the jurisdiction of this Court, but their act of infringement will have consequential effect within the jurisdiction of this Court, if the impugned movies which are mentioned in Schedule B of the application is telecasted in any satellite mode, cause of action will arise within the jurisdiction of this Court. Hence, leave granted.

5. Post the matter on 17.08.2021.

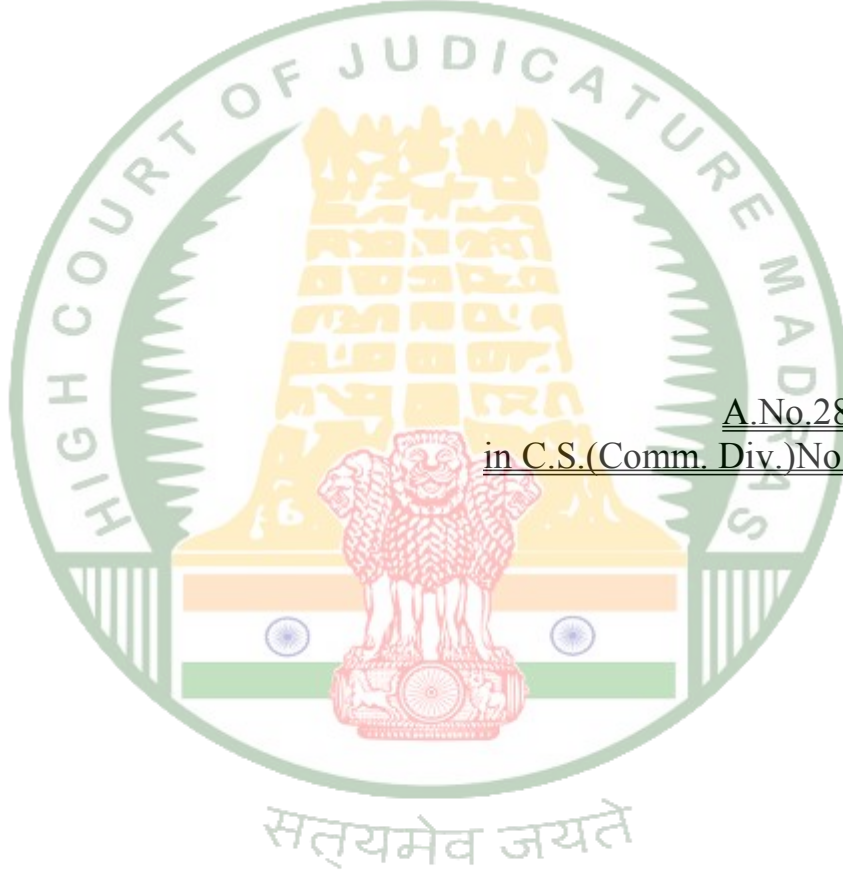
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