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O.A.No.582 of 2020
in
C.S.No.307 of 2020
(Comm Suits)

M.SUNDAR.J.,

This order will now dispose of the captioned application.

2. In these proceedings, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Captioned main suit has been filed seeking reliefs qua alleged infringement of copyright in '19 cinematograph films' [hereinafter 'suit movies' for the sake of convenience and clarity].

4. Captioned application has been filed on 09.10.2020. This means that captioned application has been filed along with presentation of plaint. To be noted, as per the case file, date of 'presentation of plaint' is 09.10.2020 and date of 'institution of suit' is 06.11.2020. Captioned application has been filed with a prayer for interim injunction qua exploitation of suit movies.

5. It has been pending for more than two years in this Court and there are no interim orders. The main suit is well past its midway and it



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is at the CMH stage. Proceedings made in the main suit today reads as follows:

'In these proceedings, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 30.09.2022.

3. Today, Ms.S.Balamuki, learned counsel representing the counsel on record for plaintiff and Mr.G.Balasubramanian of M/s.Leela & Co (Law Firm) for the lone defendant are before this Commercial Division.

4. Learned counsel representing the counsel on record for plaintiff submits that the lone plaintiff is indisposed and is hospitalized but he is likely to be discharged next week and therefore, requests for two weeks time for filing draft 'CASE MANAGEMENT HEARING' ['CMH']. Counsel for defendant also to circulate draft CMH. Both counsel to exchange draft CMH as between them.

List after a fortnight. List on 15.11.2022.'

6. Once time lines are drawn up in the CMH, main suit has to be decided expeditiously.

7. In the light of the narrative thus far, considering the facts and circumstances and considering the trajectory the main suit has taken more particularly the proceedings in the main suit today, this Commercial



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Division is of the view that no useful purpose would be served by keeping the captioned application pending and therefore, captioned application is disposed of as closed albeit preserving the rights and contentions of the plaintiff to come up with an application with a similar/same prayer if the time lines which are to be drawn up in the CMH are not adhered to by the defendants. Though obvious it is made clear that this Commercial Division has not expressed any opinion or view on the merits of the matter in this order. There shall be no order as to costs.

28.10.2022

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gpa

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