



A.No.5599 of 2022

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C.SARAVANAN, J.

The plaintiff had filed C.S.No.920 of 2016 under Section 62 of the Copy Rights Act, 1957, together with the relief for damages. The above suit was transferred to the learned V Additional City Civil Court, Chennai, inadvertently and renumbered as O.S.No.4487 of 2019, before the learned V Additional City Civil Court, Chennai. The first defendant has filed a written statement while the second and third defendants have remained *ex-parte*.

2. After the written statement was taken on the record by the learned V Additional City Civil Court, a Joint Memo was filed by the parties namely the plaintiff and the first defendant to re-transfer the case to this Court as a jurisdiction Court, is vested with this Court in terms of Section 62 of the Copy Rights Act, 1962.

3. However, the learned V Additional City Civil Court, Chennai, has directed the counsel to approach this Court. Hence, this application has been filed by the plaintiff to withdraw the suit in O.S.No.4487 of 2019, from the



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file of the learned V Additional City Civil Court, Chennai and transfer the same to the Commercial Division.

4. This application had come up for hearing on 06.12.2022. By an order dated 06.12.2022, notice was directed to be served on the first defendant counsel who had earlier appeared before this Court. However, there is no representation on behalf of the first defendant, despite notice served by the plaintiff counsel on 08.12.2022, which was duly acknowledged by Ms.Deepa Murali, learned counsel for the first defendant, on the same date.

5. Considering the fact that already a Joint Memo was filed by the applicant/plaintiff and the first defendant before the learned V Additional City Civil Court, Chennai, on 03.06.2022, I am inclined to allow this application. Accordingly, O.S.No.4487 of 2019 is directed to be retransferred to this Court. As a consequence, C.S.No.920 of 2019 shall stand restored to the file of this Court.



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6. Accordingly, the application stands allowed.

23.01.2023
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Note: (i) Registry is directed to print the name of Ms.Deepa Murali for the counsel for the first defendant.

(ii)V Additional City Civil Court, Chennai, shall transmit C.S.No.920 of 2019 to the High Court.



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