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CMA.No.2869 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

C.M.A.NO.2869 OF 2008 &
M.P.No.1 of 2008 & M.P.No.1 of 2009

G. Kesavalu Naidu (died)

2. Pushpammal

3. Jayanthi

4. Malathi

5. K.Boopathi

(A2 to A5 are represented by
their Power of Attorney

Mr.G.L.Radhakrishna)

(A2 to A5 were impleaded as
legal heirs of sole appellant vide
order of this court dated 13.11.2024

made in CMP.Nos.4050 to 4052 of 2024
in CMA.No.2869 of 2008)

... Appellants

/vs/

Federation of Industries of India,
through Secretary General
B-30, 6, Tilak Mark, New Delhi.

... Respondent

Prayer : Civil Miscellaneous Appeal filed under Order 43, Rule 1 read with
section 72(2) of the Copy Right Act) to set aside the order dated 04.07.2008
made in Case No.2 of 2006 on the file of the Copy Right Board, New Delhi.

For Appellants

... Mrs.S.P. Arthy



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CMA.No.2869 of 2006

For Respondent

... Mr. Vishal for
Mr.Jagadish Sagar

.....

JUDGMENT

This Civil Miscellaneous Appeal is filed challenging the order dated 04.07.2008 passed by the Copy Right Board, New Delhi, dated 04.07.2008 in Case No.2 of 2006.

2. Today, when the matter is taken up for hearing, the learned counsel for the appellants filed an affidavit dated 3.12.2024 before this court and submitted that the statutory authority of Copy Right Board does not exist and the matters pertaining to the jurisdiction of the Copy Right Board is now vest with the Commercial Court and hence the appellants would agitate the matter in accordance with law as stated in the affidavit.

3. The affidavit dated 03.12.2024 filed by the appellants is hereby recorded. In the affidavit dated 03.12.2024, the appellants have stated as follows:

'1. I state that this miscellaneous appeal was filed under section 72(2) of the Copyright Act 1957, to challenge the order dated July 4, 2008, passed by the Copyright Board,



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New Delhi in case No.2 of 2006.

2. I state that the said statutory authority Copyright Board does not exist and the matters that concerned the jurisdiction of the said Board, now vest with the Commercial Court.

3. I state that if the aforesaid Case No.2 of 2006 is revived, I will with the leave of this honourable court, contest the relief of expunction of the entries bearing No.A-65629/2003 and A-65630/2003 from the Register of Copyrights and question the cancellation of the certificate of copyrights granted to the Petitioner and will contest any other relief as may be sought by the Respondent.

4. In view of the affidavit filed by the learned counsel for the appellants, this appeal is dismissed with liberty granted to the appellants to workout their remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

09.12.2024

msr
Index:yes/no
Internet:yes

M. DHANDAPANI, J.

msr



CMA.No.2869 of 2008

To

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1. The Copy Right Board,
New Delhi.
2. The Secretary General,
Federation of Industries of India,
B-30, 6, Tilak Mark, New Delhi.

**C.M.A.NO.2869 OF 2008 &
M.P.No.1 of 2008 & M.P.No.1 of 2009**

09.12.2024