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O.A. No.875 of 2023

O.A. No.875 of 2023
and
C.S. (COMM. DIV.) No.240 of 2023

ABDUL QUDDHOSE, J.

P.L. Thenappan	..	Applicant
AP International	vs.	
	..	Respondent

A counter affidavit has been filed by the respondent / defendant stating as follows :-

The respondent / defendant has been exploiting the subject movie as a Licencee. The respondent / defendant traces its right from an Assignment Agreement, dated 05.09.1997 entered into by the plaintiff with the respondent's predecessor.

2. According to the respondent / defendant, the plaintiff is not the owner of the copyright presently as he has already assigned the rights. However, the same is disputed by the plaintiff as seen from the averments contained in the plaint as well as in the affidavit filed in support of O.A. No.875 of 2023.



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3. Since the dispute can be decided only after trial, the question of entertaining O.A. No.875 of 2023 at this stage will not arise. Without expressing this Court's opinion on the merits of the respective parties contentions, the parties are directed to go for trial.

4. After recording the above observation, O.A. No.875 of 2023 is disposed of, since the relief sought for in this application cannot be decided in the interlocutory stage and can be decided only in the main suit, after trial. Accordingly in terms of the above observations, this application is disposed of.

5. Post the matter for filing of written statement by the defendant on **15.02.2024**.

01.02.2024

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