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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 1148/2024, I.A. 48746/2024, I.A. 48747/2024, I.A.  
48748/2024, I.A. 48749/2024 & I.A. 48750/2024

SAREGAMA INDIA LIMITED .....Plaintiff

Through: Mr. Ankur Sangal, Mr. Ankit Arvind,  
Mr. Shashwat Rakshit and Ms. Amira  
Dhawan, Advs.  
M: 9910113028

versus

MOVIE WORLD VISUAL MEDIA PRIVATE LIMITED  
& ANR. ....Defendants

Through: None

**CORAM:**  
**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**  
**19.12.2024**

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**I.A. 48750/2024 (Exemption from filing dim and clearer copies of documents)**

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking exemption from filing dim, illegible copies of documents.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file legible, clear, and translated copies of the documents, on which the plaintiff may seek to place reliance, before the next date of hearing.
4. Accordingly, the present application is disposed of.

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**I.A. 48747/2024 (Exemption from undergoing Pre-Institution Mediation)**

5. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar Versus T.K.D. Keerthi, 2023 SCC OnLine SC 1382*, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption from attempting Pre-Institution Mediation, is granted.

7. Accordingly, the application stands disposed of.

**I.A. 48748/2024 (Application seeking leave to file additional documents)**

8. This is an application under Order XI Rule 1(4) read with Section 151 CPC as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

9. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

10. The application is disposed of, with the aforesaid directions.

**I.A. 48749/2024 (Application seeking enlargement of time for filing Court Fees)**

11. The present application has been filed under Section 149 read with Section 151 of the CPC, seeking enlargement of time to file the Court Fees.

12. Learned counsel appearing for the plaintiff submits that the Court fees shall be deposited within a period of one week from today.



13. Liberty is so granted.

14. With the aforesaid directions, the present application is disposed of.

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15. None appears for the defendants despite advance service.

16. Accordingly, let the plaint be registered as suit.

17. Upon filing of the process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

18. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

19. List before the Joint Registrar (Judicial) for marking of exhibits, on 10<sup>th</sup> February, 2025.

20. List before the Court on 13<sup>th</sup> May, 2025.

**I.A. 48746/2024 (Application under Order XXXIX Rules 1 and 2 read with Section 151 CPC)**

21. The present suit has been filed for permanent injunction restraining infringement of the plaintiff's copyright, rendition of accounts, damages, etc.



22. It is submitted that the plaintiff is, *inter alia*, engaged in the business of acquisition of copyrights in sound recordings, and literary, musical and dramatic works contained therein and distribution, sale and exploitation of the same through various modes and mediums.

23. It is submitted that the present suit is being filed to restrain the defendants from infringing its copyright in the sound recordings along with their literary and musical works in 88 cinematograph films.

24. It is submitted that the plaintiff has a vast and illustrious history in the field of recorded music in India for more than a century. The plaintiff was formerly known as 'The Gramophone Company of India Limited', which was one of India's most respected companies in the music and entertainment sector. The plaintiff was also known as HMV (His Master's Voice).

25. It is submitted that the plaintiff is in the business of music entertainment and has produced and/ or acquired and, therefore, owned and continues to own the copyright in many sound recordings as well as the literary, musical, and dramatic works which form part of the aforesaid sound recordings. The plaintiff has also moved into the production of cinema/ television content and digital retailing. The plaintiff owns a sizeable catalogue of films as well as rich catalogue of film music and non-film music in Hindi, Malayalam as well as other regional languages. The plaintiff enters into various license agreements with third parties, in order to allow them to use the plaintiff's various works. It is pertinent to submit that such third parties are continuing to take licenses to exploit the said works, thereby accepting and recognizing the rights of the plaintiff.

26. It is submitted that the plaintiff is the owner of the several sound recordings along with the literary and musical works for a plethora of



Malayam cinematograph films, out of which, 88 cinematograph films form subject matter of the present proceedings.

27. It is submitted that the sound recordings along with the literary work and musical works of the said cinematograph films were assigned to the plaintiff by virtue of various copyright assignment agreements executed by the plaintiff with the original producers of the said cinematograph films, who were the first owners of the said works as per the copyright law at the time of the assignment.

28. It is submitted that as per the terms of the plaintiff's assignment agreements, the plaintiff owns the copyright in the plaintiff's copyrighted works absolutely, worldwide, and in perpetuity. The plaintiff was and continues to be the owner of the original plate of the sound recordings which are a part of the plaintiff's copyrighted works and by virtue of the said ownership, the plaintiff is the author/owner of the said sound recordings. In addition, the plaintiff is also the owner 22 of the musical and literary works in the plaintiff's copyrighted works and can exploit the same by any means.

29. It is submitted that in view of the aforesaid facts and circumstances, since the plaintiff is the owner of the copyright in the plaintiff's Copyrighted Works, it has the exclusive right under Section 30 of the Copyright Act to grant the license of the same to various third parties.

30. It is submitted that since the assignment of the plaintiff's copyrighted works to the plaintiff, the plaintiff has been continuously exploiting the same for last 40-45 years, and no third party, including the original producers of the said cinematograph films or the defendants herein have raised any objection to the same until now.

31. It is submitted that recently on 05<sup>th</sup> November, 2024, the plaintiff was



shocked to know that the defendants are commercially exploiting the sound recordings of the plaintiff's copyrighted works, through websites, mobile applications, and various OTT platforms.

32. It is submitted that the plaintiff came to know about the same when the plaintiff was served with the suit papers filed by the defendants before the learned District Court at Ernakulam, Kerala being *OS/0100030/2024* titled as *Movie World Visual Media Private Limited Vs Saregama India Limited & Anr.*, wherein, the defendants have falsely claimed rights on the plaintiff's copyrighted works.

33. It is submitted that the plaintiff was further shocked to know that the defendants by making fraudulent submissions in the aforesaid suit, got an *ex-parte ad-interim* injunction on 01<sup>st</sup> November, 2024 against the plaintiff restraining it from using the plaintiff's copyrighted work. On becoming aware about the aforesaid, the plaintiff immediately filed its reply / counter-affidavit to the interim injunction application and pressed for the vacation of the interim order.

34. It is submitted that the Learned District Court of Ernakulam after hearing the detailed arguments by both the parties and after considering the rights of the plaintiff on the plaintiff's copyrighted works, vacated the *ex-parte ad-interim* injunction order and dismissed the defendants' (plaintiff therein) injunction application.

35. It is submitted that upon further investigation and examination, the plaintiff recently in the first week of December, 2024, came across the instances of exploitation of the plaintiff's copyrighted works by the defendants on several online platforms, including, Amazon Music, Gaana, Apple Music, JioSaavn, Spotify.



36. It is submitted that the defendants are using the plaintiff's copyrighted works without obtaining any license for the same from the plaintiff, which is wilful and deliberate infringement of plaintiff's copyright in its copyrighted works.

37. It is submitted that the aforesaid acts of infringement of copyright ought to be enjoined by the appropriate orders of this Court and the defendants, by indulging in such acts, is undoubtedly seeking to reap unfair benefit to the detriment of the plaintiff. The illegal use of plaintiff's copyrighted works by the defendants is negatively impacting the plaintiff's entire music business and reputation. The exclusivity of the rights of the plaintiff in the plaintiff's copyrighted works is the cornerstone of plaintiff's business and the acts of the defendants will cause plaintiff grave financial losses.

38. It is submitted that the defendants through their deliberate and *mala fide* conduct is illegally exploiting the plaintiff's copyrighted works and is therefore, attempting to take benefit of the hard work and investments made by the plaintiff in producing, acquiring and promoting its content. The conduct of the defendants is completely illegal and unlawful. The continuous acts of infringement by the defendants are resulting in serious reputational loss and undermining the economic interest of the plaintiff vis-a-vis other licensees who have acquired proper license for valuable consideration of the plaintiff's copyrighted works.

39. It is submitted that the defendants, by illegally using the plaintiff's copyrighted works is also giving the impression that the plaintiff's copyrighted works are vested with the original producers or defendants and no license is required from the plaintiff to exploit the same, which is likely



to result in encouraging other parties to also indulge in similar acts of infringement. As the plaintiff has been exploiting the said copyrighted works continuously for the last 4 decades and the balance of convenience is in favour of the plaintiff, therefore, the acts of the defendants ought to be restrained by this Court.

40. It is pertinent to mention that the defendants have filed several agreements with the original producers or third parties in the Ernakulam Suit to falsely represent that the defendants are the owner of the rightful owner of the plaintiff's copyrighted works by virtue of deed of sales/assignments. Whereas, the plaintiff had entered into assignment agreements decades prior to the said deed of sales of the defendant, which was entered in the year 2023, and the assignment agreement being relied upon by the plaintiff were executed from the year 1965 to 1988 with the original producers.

41. It is submitted that the plaintiff submits that as the defendants are not authorized to use the plaintiff's copyrighted works, there would be no prejudice caused to the defendants if an order of injunction is granted against the defendants. Further, in case no injunction is granted to the plaintiff, other third parties may also be encouraged to infringe the plaintiff's copyright in its works, thereby, leading to further injury to the plaintiff.

42. Learned counsel appearing for the plaintiff has drawn the attention of this Court to the judgment dated 03<sup>rd</sup> December, 2024 passed by the Additional District Judge-II, Ernakulam, wherein, it has been held as follows:

“xxx xxx xxx

27. *In Saregama India v. New Digital Media and another (2027 SCC*





*online Cal.2869) Hon'ble Calcutta High while interpreting a similar agreement as those relied upon by the respondents held that "once the copyright over the sound recording has been assigned this right was vested with them permanently and could not have been reassigned to any other person". Ext.B3 to B39 agreements produced by the respondents prima facie shows that they got copyright assignment with respect to the songs in 88 films relied on by them. There is prima facie materials to show that respondents are the prior copyright owner of the songs listed in the plaint schedule. Therefore the petitioner is not entitled to get an injunction with respect to the songs of 88 films over which respondent had copyright.*

*xxx xxx xxx"*

43. By relying upon the aforesaid judgment, learned counsel appearing for the plaintiff submits that the rights of the plaintiff in the sound recordings in question have duly been recognized. He further submits that the said case before the Ernakulam Court, also pertains to identical songs and identical movies. Thus, he submits that in view of the rights of the plaintiff having been recognized, he prays that injunction be granted in the present matter also.

44. Attention of this Court has also been drawn to the inlays of the various sound recordings, wherein, the plaintiff is shown as the owner of the said song recordings. He further draws the attention of this Court to the various agreements in favour of the plaintiff to show their rights over the song recordings in question.

45. In view of the above circumstances, the plaintiff has demonstrated a *prima facie* case for grant of injunction and in case no *ex-parte ad-interim* injunction is granted, the plaintiff will suffer an irreparable loss. Further, the balance of convenience also lies in favour of the plaintiff and against the defendants.

46. This Court also notes that none appears for the defendants despite



advance service.

47. Accordingly, till the next date of hearing, the defendants, their directors, partners or proprietors, licensees, assignees, officers, servants, agents, representatives, contractors, sister concerns and any other person working for and on behalf of the defendants are restrained from doing any act, including, exploitation/ use of the plaintiff's copyrighted works, i.e., sound recordings/ songs, details of which are provided in *Annexure-A* to the present order, along with the literary and musical works, which amounts to infringement of the plaintiff's copyright in the plaintiff's copyrighted works.

48. Issue notice to the defendants by all permissible modes upon filing of Process Fee.

49. Let reply be filed within a period of four weeks.

50. Rejoinder thereto, if any, be filed within two weeks, thereafter.

51. Compliance of Order XXXIX Rule 3 CPC, be done, within a period of one week, from today.

52. List before the Court on 13<sup>th</sup> May, 2025.

**MINI PUSHKARNA, J**

**DECEMBER 19, 2024/kr**



**Annexure-A**

<b>S. No.</b>	<b>Cinematograph Film</b>
1.	Dheerasameere Yamunaatheere
2.	Kaithapoo
3.	Rowdy Ramu
4.	Urakkam Varaatha Raathrikal
5.	Kalliyarlaattu Neli
6.	Enikku Njan Swantham
7.	Neeyo Njaano
8.	Eden Thottam
9.	Ithile Vannavar
10.	Pinneyum Pookunna Kaadu
11.	Aa Divasam
12.	Kuyilinethedi
13.	Engane Nee Marakkum



14.	Veendum Chalikunna Chakram
15.	Ente Kalithozhan
16.	Muthodu Muthu
17.	Pachavalicham
18.	Kusurthi Kuttan
19.	Agnipariskha
20.	Mooladhanam
21.	Kuttavali
22.	Shiksha
23.	Pushpanjali
24.	Sharashyayya
25.	Aneswshanam
26.	Thani Niram
27.	Ankathatt
28.	Sindura Cheppu
29.	Maram
30.	Rekthamillatha Manushyan
31.	Thuramukham
32.	Aval Viswasthayayirunnu
33.	Aarum Anyaralla
34.	Padamarakham
35.	Pulival
36.	Panchavedi
37.	Nizhalattam
38.	Thulabharam



39.	Randulokham
40.	Itha Evidayvare
41.	Nakshthrange Kaaval
42.	Nadhi
43.	Karakanakadal
44.	Nakhangal
45.	Panchami
46.	Alibavayum 41 Kallanmarum
47.	Rajahamsam
48.	Lorry
49.	Aswamedham
50.	Rethinirvedham
51.	Vadakakkoru Hridayam
52.	Madhavikutty
53.	Pavizhamuthu
54.	Beedikunjamma
55.	Itha Samayamayi
56.	Ponnu
57.	Itha Innumuthal
58.	Randu Penkuttikal
59.	Themmedi Velappan
60.	Ayalathe Sundari
61.	Babumon
62.	Love marriage
63.	Aaradhika



64.	Shyarapanjaram
65.	Tholakkan Enikkumanassilla
66.	Lava
67.	Samskaram
68.	Omana
69.	Nurayumpathayum
70.	Check Post
71.	Swarna Vigramam
72.	Vimochanna Samaram
73.	Rosi
74.	Manushya Bandhangal
75.	Dharmayudham
76.	Azhi Alayazhi
77.	Rajan Paranja Kadha
78.	Chilamboli
79.	Miss Mary
80.	Kandavarundo
81.	Picnic
82.	Achanum Bappayum
83.	Line Bus
84.	Thettu
85.	Abhinivesham
86.	Kanyadhanam
87.	Padmavuyham
88.	Poonthenaruvi