

IN THE COURT OF DISTRICT JUDGE, NORTH 24 PARGANAS, BARASAT

Present :

Sukumar Ray (JO Code : WB-00590), District Judge, North 24 Parganas

Title Suit No.12 of 2026

Later.....dated 05.06.2026

1. Ld. Advocate appearing on behalf of the plaintiff moves the petition praying for ad interim order of injunction under Order 39 Rule 1 and 2 read with section 151 and 94 of the Code of Civil Procedure.
2. So, the case record is taken up for hearing in respect of the application under Order 39 Rule 1&2 read with Section 151 and 94 of the Code of Civil Procedure.
3. No caveat is pending.
4. Heard Ld. Advocate for the plaintiff. Perused and Considered.
5. The crux of the contention made in the injunction petition is that the plaintiff being a sole proprietor of Stay Inn Hotel & Restaurant having requisite trade licence and other authorization has been running a bar business along with singing and dance Bar obtaining required performance licence from the RMPL to perform all copyrighted music (sound recording) exclusively collected by the RMPL. It is also alleged that the defendants had recently issued one legal notice dated 20.05.2026 whereby illegally and in sheer mala fide manner, tried to infringe the plaintiff's such performance right and is creating devious and dissimulating cloud on plaintiff's clear and lawful performance right. Hence, the plaintiff has approached this Court with the instant suit with a prayer for injunction. It is also prayed that considering the urgency of the matter, the ad interim injunction may be granted in favour of the plaintiff in terms of his prayer.
6. In course of hearing Ld. Advocate for the plaintiff taking this Court through the labyrinth of documents and relying of a decision of the Hon'ble High Court of Delhi in case of Azure Hospitality Private Limited vs. Phonographic Performance Limited, submitted that if at this stage the injunction is not granted then the plaintiff shall suffer irreparable loss and

injury beyond comprehension and compensation. Hence, he prayed for allowing this petition.

7. I have carefully gone through the decisions relied upon by the Ld. Advocate for the plaintiff.

8. Having considered the materials on record and submission advanced by the Ld. Advocate for the plaintiff, I find that the plaintiff has been able to show a prima facie entitlement of performance of music (sound recording) in the form of a copyright licence. The performance right, though limited to his establishment, but none the less is apparently a clear and lawful right. Anyone challenging such position must first establish a better title. As of now, I find that the three golden criteria of granting ad interim injunction is clearly and distinctly leaning in favour of the plaintiff. Moreover, considering the urgency of the matter, I am inclined to allow this prayer albeit in the following limited manner.

9. Hence, it is

ORDERED

that the Defendants are hereby directed not to create any disturbance to the plaintiff for carrying his hotel and restaurant-cum-dance bar business along with holding sound music on the basis of copyright license issued by Record Music Performance Ltd. as on this date till 06.07.2026.

10. The plaintiff is directed to comply with the provisions of Order XXXIX, Rule 3(a) and (b) within 24 hours from the date of this order, failing which this order shall stand as vacated.

11. Let notice be issued upon the Defendants calling upon them to file show cause within 07 (seven) days from the date of receipt of the notice as to why the temporary injunction as prayed for shall not be granted against them.

12. Requisites at once.

13. To date.

Dictated and Corrected by me,

Sd/-
District Judge,
North 24-Parganas

Sd/-
District Judge,
North 24-Parganas

