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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS (COMM) 206/2022 with I.A 5148/2022, I.A 874/2023**

MEDIA INTERNATIONAL THROUGH SOLE PROP. MRS.
ACHLA SABHARWALPlaintiff

Through: Mr. Rajiv Kumar Choudhary,
Advocate.

versus

M/S TRUST INTERNATIONAL THROUGH SOLE PROP. ANIL
KHANNA & ORS.Defendants

Through: Mr. Sushant Kr., Advocate for D-3 &
D-4.
Ms Mansi Sharma and Mr Prabhat
Kumar, Advocate for D-5.
Mr Ankit, Mr Yakshap, Ms Riya
Sehgal, Ms Anushika, Advocates for
D-6.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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30.08.2024

REVIEW PET. 164/2023 (Review of order dated 11.05.2023)

1. The present review petition has been filed on behalf of the plaintiff seeking review of the order passed by this Court on 11th May, 2023.
2. In terms of the said order, a decree of permanent injunction was passed against the defendant no.5 taking into account the statement made on behalf of the counsel for defendant no.5 that they shall not telecast/broadcast any copyrighted words that are a subject matter of the present suit. In view thereof, a concession was made on behalf of the counsel for the



plaintiff/review petitioner that the plaintiff would not press the remaining reliefs *qua* the defendant no.5.

3. Notice in the present review petition was issued on 2nd June, 2023.

4. The facts of the case disclose that the present suit was filed on behalf of the plaintiff against various defendants *inter alia*, seeking relief of permanent injunction as well as damages.

5. It is the case of the plaintiff that the plaintiff had entered into an agreement with the defendant no.1, in terms of which, the defendant no.1 transferred copyright in respect of twenty-six films in favour of the plaintiff. Subsequently, the defendant no.1 sold nineteen of the aforesaid twenty six films to the defendant no.3, who in turn sold the same to the defendant no.5.

6. It is the stand of the plaintiff that the defendant no.5 telecasted the film “*Jang ka Maidan*” on ‘Manoranjan Music Channel’, the copyright in respect of which was vested with the plaintiff.

7. Counsel appearing for the plaintiff submits that it is wrongly recorded in the order dated 11th May, 2023 that the plaintiff consented to not pressing the other reliefs against the defendant no.5.

8. On the other hand, counsel appearing on behalf of the defendant no.5 submits that the broadcasting rights to the film “*Jung ka Maidan*” were sold by the defendant no.3 to the defendant no.5. Therefore, at best, the plaintiff has to be indemnified by the defendant no.3 and not the defendant no.5.

9. I have heard the counsel for the parties and perused the material on record.

10. It is an admitted position that the defendant no.5 telecasted the subject movie only once. Further, the defendant no.5 has agreed not to telecast the same again and accordingly, a decree of permanent injunction has been



passed against the defendant no.5. Therefore, insofar as the relief of damages is concerned, the claim of the plaintiff would lie against the other defendants and not against the defendant no.5.

11. Accordingly, the order dated 11th May, 2023 is modified to the limited extent that the consent of the plaintiff in respect of not claiming other reliefs against the defendant no.5 is excised.

12. In light of the above, the decree of permanent injunction is passed against the defendant no.5 in terms of prayer (1) to the suit. Further, the plaintiff shall not press the remaining reliefs claimed in the suit against the said defendant.

13. It is clarified that the plaintiff would be entitled to press all the reliefs prayed for in the suit against the remaining defendants.

14. The review petition stands disposed of in terms of the above.

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15. List before the Roster Bench on 13th September, 2024.

AMIT BANSAL, J

AUGUST 30, 2024/rt