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

+ **CS(COMM) 317/2022 & I.As. 7535/2022, 15133/2022**

MR. SURENDER, Plaintiff

Through: Mr. Lakshay Kumar, Advocate along
with Plaintiff in person.
(M:9560395392)

versus

SONOTEK CASSETTES COMPANY & ORS. Defendants

Through: Mr. Davinder N. Grover, Mr. Anmol
Saini and Mr. Harsh Gupta,
Advocates for D-1 (M:9650874507)
Mr. Vivek Ayyagari and Mr. Angad
Makkar, Advocates for D-2.
(M:9897896284)
Mr. Vihan Dang, Mr. Kshitij Dua
and Ms. Varsha Jhavar, Advocates for
D-3/Google LLC. (M:8816817301)
Mr. Jagdish, Advocate for D-5.
(M:9212701050)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% 15.09.2022

1. This hearing has been done through hybrid mode.

I.A. /2022(to be numbered)

2. A counter claim is stated to have been filed by Defendant No.1 - Sonotek Cassettes Company. However, the said counter claim is not on record as the same has been returned under objections. Let the objections be removed and the counter claim be numbered.

3. Copy of the counter claim is stated to have been served upon ld.



Counsel for the Plaintiff, who confirms that he has received the same. Issue summons. Mr. Lakshay Kumar, Id. Counsel accepts summons on behalf of the Plaintiff.

4. Let the written statement be filed within 30 days, in accordance with the timelines prescribed in law.

I.A. 15133/2022(u/O 1 R 10 CPC)

5. This is an application filed on behalf of the Defendant No.2 - HT Media Ltd., under Order I Rule 10 CPC seeking deletion from the array of parties. Id. Counsel for the Defendant No. 2 submits that there is no allegation against the said Defendant in the present suit, and no relief has been sought from Defendant No.2.

6. Issue Notice. Mr. Lakshay Kumar, Id. Counsel accepts notice on behalf of the Plaintiff.

7. Let reply be filed within two weeks. In the said reply, the Plaintiff will clarify as to why Defendant No.2 - HT Media Ltd. has been impleaded in the present suit.

CS (COMM) 317/2022 & I.A. 7535/2022 (Stay)

8. Insofar as Defendant No.3 - Google LLC is concerned, Id. Counsel seeks time to file the written statement. Let the same be filed, in accordance with the timelines prescribed in law.

9. Insofar as Defendant No.4 - Hungama Digital Media Entertainment Pvt. Ltd. is concerned, a perusal of the Registry's notings shows that notice has been sent by email. Id. Counsel for the Plaintiff is permitted to serve Defendant No.4 once again by courier and file an affidavit of service in this regard.

10. In the meantime, this Court notes the stand of the Defendant No.1 that



it has obtained rights from M/s. Jagdish Cassette Video, who is the same assignor from whom the Plaintiff claims rights. Considering the same –

M/s. Jagdish Cassette Video,
Shop No.69, Main Bazar,
Pana Udyan, Near Bus Stand,
Narela,
Delhi - 110040,

is impleaded as Defendant No.5.

11. Let the amended memo of parties also be filed within one week. Issue summons to the newly impleaded Defendant No.5.

12. Ld. Counsel for the Plaintiff submits that the Assignment Deed from Jagdish Cassette Video in favour of Defendant No.1, has been placed on record, however, the list of works which were subject matter of the said Assignment Deed has not been mentioned. Ld. Counsel for Defendant No.1 relies upon the list which commences at page 41 of the Defendants' documents filed vide Index dated 20th July, 2022, along with the CD covers of the various works which have been published by Defendant No.1.

13. List for completion of service and pleadings and marking of exhibits before the Joint Registrar on 9th November, 2022.

14. List before the Court on 12th December, 2022.

PRATHIBA M. SINGH, J

SEPTEMBER 15, 2022

dj/ad