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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1169/2024**

SAREGAMA INDIA LIMITEDPlaintiff
Through: Mr. C.M. Lall, Senior Advocate with
Mr. Ankur Sangal, Adv.

versus

AVENIRTEK DIGITAL PRIVATE LIMITEDDefendant
Through: Mr. Kuriakose Varghese, Mr. V.
Shyamohan and Mr. Akshat Gogna,
Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

% **ORDER**
20.12.2024

I.A. 49187/2024 (u/s 12A of Commercial Courts Act)

1. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in ***Yamini Manohar v. T.K.D. Krithi***, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

2. The application stands disposed of.

I.A. 49188/2024 (O-XI R-1(4) of the Commercial Courts Act]

3. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents.

4. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.



5. Accordingly, the application is disposed of.

I.A. 49189/2024 (under Section 151 CPC of the CPC filed by the plaintiff)

6. The plaintiff is permitted to place on record a pen drive containing the comparison of the plaintiff's copyrighted works vis-à-vis some of the songs.

I.A. 49190/2024 (u/s 149 of the CPC)

7. Mr. Lall, counsel appearing on behalf of the plaintiff submits that the requisite court fees shall be paid within one week.

8. The aforesaid statement is taken on record.

9. The application is disposed of.

I.A. 49191/2024 (exemption from filing original documents, certified copies or true typed documents of the dim documents and translated copies of documents)

10. Allowed, subject to the plaintiff filing legible copies of the annexures within four weeks from today.

11. The plaintiff is exempted from filing original documents at this stage.

12. The application stands disposed of.

CS(COMM) 1169/2024 and I.A. 49186/2024 (u/O XXXIX Rules 1 & 2, CPC)

13. Let the plaint be registered as a suit.

14. Issue summons in the suit and notice in the present application.

15. Mr. Kuriakose Varghese, advocate accepts summons in the suit and notice in the application on behalf of the defendant and waives issuance of formal summons.

16. Written statement to the suit and reply to the application shall be filed by the defendant within thirty days from today. Along with the written statement, the defendant shall also file affidavit of admission/denial of the



documents of the plaintiff, without which the written statement shall not be taken on record.

17. Liberty is given to the plaintiff to file replication, if any, within thirty days from the receipt of the written statement. Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendant be filed by the plaintiff.

18. Rejoinder, if any, to the reply to the application filed by the defendant, shall be filed within two weeks after the receipt of such reply.

19. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

20. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

21. The defendant shall place on record the agreements, if any, on the basis of which the defendant claims rights in the content which is the subject matter of the suit.

22. Mr. C.M. Lall, Senior Counsel appearing on behalf of the plaintiff has drawn attention of the Court to the communications dated 20th May, 2024 written by the defendant to Amazon Music wherein the defendant has claimed rights over the copyrighted content of the plaintiff which is subject matter of the present suit and also challenged the ownership of the plaintiff.

22.1 Till the next date of hearing, communications of the like nature shall not be sent by the defendant to any third party.



23. List before the Joint Registrar on 3rd February, 2025 for completion of service and pleadings.

24. List before the Court on 25th February, 2025.

AMIT BANSAL, J

DECEMBER 20, 2024

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