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

+ **CS(COMM) 403/2017**

SHRI RISHI RAJ

..... Plaintiff

Represented by: None.

versus

SAREGAMA INDIA LTD.

..... Defendant

Represented by: Mr. Rajiv Nayar, Sr. Advocate
with Mr. Ankur Sangal and Ms.
Sucheta Roy, Advocates.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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25.07.2017

I.A. No. 8324/2017 (under Order VII Rule 11 CPC filed by defendant)

1. By this application under Order VII Rule 11 r/w Section 151 CPC the defendant No. 1 seeks rejection of the plaint inter alia on the pleas taken in Paras 3, 4 and 5 of the application. In Paras 3 and 4 the plea of the defendant No. 1 is that the plaintiff has been not assigned ownership over the impugned work in the impugned cinematograph films as only 55 assignment agreements have been placed on record and no document has been filed to demonstrate its right over the other 89 cinematograph films.
2. It is also claimed that the plaintiff has no rights over the impugned works as it was not assigned the rights by the producers/right holders of the impugned cinematograph films.

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3. After some argument learned counsel for the defendant No. 1 gives up the plea for rejection of the plaint on the basis of Para 3 and 4 of the application for the reason that a plaint cannot be rejected piecemeal and even if some agreements have been filed and the plaintiff is finally able to substantiate the same, decree may be passed in his favour and against the defendant to that extent.

4. Learned Senior Counsel for the defendant No. 1 confines his plea to rejection of the plaint on the averments made in Para 5 claiming that even if accepting that there is an assignment of rights in favour of the plaintiff, the same is confined to the cinematograph films as it held and not the sound recording for which assignments are in favour of defendant No. 1. Reliance in this regard is placed on Section 13 of the Copyright Act.

5. Issue notice to the plaintiff/non-applicant on the applicant/defendant taking steps through ordinary and dasti process and through the counsel as well, returnable on 13th November, 2017 before this Court.

MUKTA GUPTA, J.

JULY 25, 2017
‘yo’

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