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

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

SHRI RISHI RAJ

..... Plaintiff

Represented by: Mr.Harish Malhotra, Sr. Advocate with
Mr.Rajender Agarwal and Mr.Anoop
Kumar, Advocates.

versus

SAREGAMA INDIA LTD.

..... Defendant

Represented by: Mr.Parag Tripathi, Sr. Advocate with
Mr.Ajay Bhargava, Mr.Ankur Sangal,
Ms.Sucheta Roy and Ms.Richa
Bhargava, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **12.12.2019**

1. On perusal of the record and with consent of learned counsel for the parties following issues are settled:

- i. *Whether the plaintiff has any copyright over the sound recording and the underlying works of the cinematograph films forming the subject matter of the present dispute? OPP*
- ii. *Whether the defendant is infringing the copyright of the plaintiff in the sound recordings and underlying works of the cinematograph films forming the subject matter of the present suit? OPP*
- iii. *Whether the defendant is the actual owner and has copyright over the impugned works by virtue of the Copyright Act and the defendant is holding copyright in respect of the sound recording, literary, musical works to reproduce and communicate the same to the public by any mode or medium including TV, cable TV, radio, internet, mobile as claimed by the defendant? OPD*

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- iv. *Whether the plaintiff is entitled for a decree of permanent injunction as claimed? OPP*
- v. *Whether the plaintiff is entitled to mandatory injunction as prayed? OPP*
- vi. *Whether the plaintiff is entitled for a decree for rendition of account and claim damages from the defendant, as claimed in the plaint? OPP*
- vii. *Relief.*

- 2. List of witnesses and evidence by way of affidavit of the plaintiff's witnesses be filed within four weeks.
- 3. List of witnesses and evidence by way of affidavit of the defendant's witnesses be filed within four weeks thereafter.
- 4. List before the learned Joint Registrar for fixing the dates of trial on 14th January, 2020.
- 5. List before Court for monitoring the progress in recording of the evidence on 1st April, 2020.
- 6. Learned counsel for the parties state that in the meantime, the parties would try to explore the possibility of a negotiated settlement.
- 7. It is clarified that the parties' efforts for a negotiated settlement in no way would entail them for seeking adjournments or postponement of recording of the evidence.

I.A. 6852/2017 (under Order XXXIX Rule 1 and 2 CPC)

List the application for hearing on 1st April, 2020 before Court.

MUKTA GUPTA, J.

DECEMBER 12, 2019/'vn'

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