

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1721 OF 2018
IN
COMMERCIAL SUIT NO.914 OF 2018
WITH
CHAMBER SUMMONS NO.504 OF 2019**

Phonographic Performance Ltd. .. Applicant/Plaintiff
Vs.
The Vision Group (The Crown) & Ors. .. Defendants

**ALONG WITH
NOTICE OF MOTION NO.356 OF 2019
IN
COMMERCIAL SUIT NO.123 OF 2019
WITH
CHAMBER SUMMONS NO.492 OF 2019**

Phonographic Performance Ltd. .. Applicant/Plaintiff
Vs.
Welcom Hotel Rama International (ITC)& Ors. .. Defendants

**ALONG WITH
NOTICE OF MOTION NO.576 OF 2019
IN
COMMERCIAL SUIT NO.145 OF 2019**

Phonographic Performance Ltd. .. Applicant/Plaintiff
Vs.
Balaji Agora Mall & Ors. .. Defendants

**ALONG WITH
NOTICE OF MOTION NO.616 OF 2019
IN
COMMERCIAL SUIT NO.292 OF 2019**

Phonographic Performance Ltd. .. Applicant/Plaintiff
Vs.
Hotel Madhuban & Ors. .. Defendants

**ALONG WITH
NOTICE OF MOTION NO.617 OF 2019
IN
COMMERCIAL SUIT NO.306 OF 2019**

Phonographic Performance Ltd. .. Applicant/Plaintiff
Vs.
Hotel Hilton & Ors. .. Defendants

**ALONG WITH
NOTICE OF MOTION NO.619 OF 2019
IN
COMMERCIAL SUIT NO.304 OF 2019**

Phonographic Performance Ltd. .. Applicant/Plaintiff
Vs.
Orbis The Passion Hotels & Ors. .. Defendants

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Mr. Kevic Setalvad, Senior counsel along with Mr. Amogh Singh and Lillian Dass and Hero Ramchandani i/by Mr. D. P. Singh for the Applicant/Plaintiff in all Suits.

Mr. Anil Kumar Singh, Advocate for the Defendant Nos.38 and 39 in NMCD/576/2019 and Defendant Nos.19 and 20 in NMCD/616/2019 and Defendant Nos.10 and 11 in NMCD/617/2019 and Defendant Nos.13 and 14 in NMCD/619/2019.

**CORAM : R.D. DHANUKA, J.
DATE : 27th November 2019**

P.C.:

. Heard learned counsel for the parties who are present in Court.

2. The applicant seeks further ad-interim relief against the defendants in these six matters.

3. Learned counsel for the defendants invited my attention to the order dated 22nd December 2017 passed by the Division Bench in Commercial Appeal (L) No.100 of 2017 and other five companion appeals arising out of interim order passed by this Court in the notices of motion.

4. Paragraph 8 of the said order dated 22nd December 2017 indicates that Division Bench has granted ad-interim injunction in terms of prayer clause (c) excluding the bracketed portion which reads thus : -

“(c) That pending the hearing and final disposal of the suit, this Hon’ble Court be pleased to pass an order and injunction restraining the defendant by itself, its servants and agents, from in any manner publicly performing or in any manner communication the sound recordings works of the plaintiff to the public, {or allowing their premises or any premises under their control to be used for the said purposes,} without license from the plaintiff, or otherwise infringing copyright in any work owned by the plaintiff.”

5. Those appeals were subsequently admitted by an order dated 2nd November 2018 by the Division Bench. By an order dated 2nd November 2018, Division Bench of this Court while admitting those appeals has further directed that the order passed on 22nd December 2017 shall operate as an interim order during the pendency of the appeals, but with liberty reserved to vacate or vary the same by moving an appropriate application in that behalf supported by an affidavit.

6. In view of the order passed by the Division Bench and in view of the fact that there is ad-interim order already granted by the Division Bench which is in force during the pendency of the appeals, in my view, there no need to pass any further ad-interim order in these matters at this stage.

7. In so far as the service of papers and proceedings, if any, is not completed upon any of the defendants in the aforesaid matters, the same shall be completed within one week from today and affidavit of service shall be filed in respect of those defendants who are not served so far.

8. Affidavit in reply shall be filed within four weeks from the date of service of the papers and proceedings with a copy to be served upon the plaintiff's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks thereafter with a copy to be served upon the defendants' advocate simultaneously. It is made clear that no further extension of time would be granted to file affidavit-in-reply or affidavit-in-rejoinder to any of the parties.

9. Place these matters High on board for 'hearing and final disposal' on 28th January 2020.

R.D. DHANUKA, J.