

BEFORE THE ADDITIONAL MASTER-II
HIGH COURT, MADRAS
C.S.No. 31 OF 2010

Date : 28.06.2024

Time : 02.30 P.M.

Name : Ghansyam Hemdev (PW1)

PW1 Cross Examined by Learned counsel for the 3rd Defendant
Mr.K.Thiyagarajan.

Solemnly affirmed:

Q1: Now through the additional proof affidavit you have filed certain additional documents. What is the purpose of filing those documents now?

A: Because we had it and hence we produce into the Court.

Q2: What are you trying to establish through these document?

A: Whatever documents we had we brought it now to the knowledge of the Court.

Q3: You have filed 68 photocopies. Is it correct?

A: Yes.

Q4: Can you say where are the originals?

A: It should be with the 1st defendant.

Q5: Does it mean you do not actually know where are the originals now?

A: I have no idea.

Q6: In the plaint you have mentioned 109 feature films now you have filed 68 documents, what about the document pertaining to the other films?

A: When we signed the agreement with D1, they gave us whatever in their possession at the moment and informed us that they would search for others and give us due course.

Q7: During your earlier deposition on 05.01.2024 you have stated that you have the assignment documents executed by the producers to the D1. But now you are filing only the photocopies. This shows that you made a false statement before this Court?

A: Even that time I meant the documents I had in my possession. I never stated that I had original documents.

Q8: Do you claim ownership of copyrights through these documents?

A: My ownership comes from my assignment from D1, these are additional proof.

Q9: Are you in possession of original Master DAT (Digital Audio Tapes)?

A: Once we signed the agreements the assignors gave which we transferred to CD's or Hard disk, because DAT are perishable.

Q10: After such conversion of the DAT are you exploiting musical works of D3 by yourself or 3rd party?

A: By ourselves as well as 3rd party.

Q11: Can you name those 3rd parties?

A: Phonographic Performance Limited and PDL (Phonographic Digital Limited)

Q12: I put it to you that you have intentionally omitted to array those 3rd parties in this suit. I further put it to you that those 3rd parties are the ones who can adduce about the actual truth before this Hon'ble High Court

A: As the 3rd parties claim their copyrights through me only, I need not involve them, I alone am sufficient in this case.

Q13: Who is calculating actual income and expenses transacted through your exploitation of musical works of D3?

A: They calculate income, keep the records and give us our share.

Q14: The filing of Photostat copies shows that these are fabricated documents and cannot be relied on?

A: No. They can be relied on.

Q15: On your earlier deposition on 05.01.2024 you have stated that within 15 days you will file proof to show that the 1st defendant firm was exclusively dealing with the D1 music. Have you done so?

A: Yes, I have done so. These documents all belong to the music of Mr.Ilayaraja.

Q16: I put it to you that these additional documents have nothing to do to establish that D1 firm was exclusively dealing with the music of D3.

A: False.

Q17: I put it to you that you are making false statements before this Hon'ble High Court and filed unreliable documents and hence the suit deserves to be dismissed.

A: I deny.

Time : 02.55 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be true and correct and signed before me.

ADDITIONAL MASTER-II