

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

C.S.No. 31 OF 2010

Date : 05.01.2024

Time : 12.35 P.M.

Name : Ghansyam Hemdev (PW1)

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

Solemnly affirmed:

Q1: How many partners are there in the plaintiff's Firm?

A: There are 5 or 6 partner, I do not remember exactly.

Q2: Are you one of the partner?

A: Yes.

Q3: At the time of filing this plaint you have mentioned the name of company as Music Master Audio Video Manufacturing Co. P.Ltd., was that a private limited company at that point of time?

A: Yes.

Q4: How many directors were there at that point of time?

A: Same 5 or 6 peoples, I do not remember exactly.

Q5: When this company was formed?

A: In the year around 1994.

Q6: When this company was converted as LLP?

A: In the year 2020 or 2021 it was converted.

Q7: When did you start acquiring rights over the musical albums of the 3rd defendant?

A: I do not remember exactly.

Q8: You have allegedly entered into an agreement dated 12.06.1997 Ex.P2 with the 1st defendant. Have you acquired any rights over any of the musical albums of the 3rd defendant prior to that date?

A: I may have acquired, I do not remember exact date.

Q9: Are you claiming copyright ownership over the musical albums mentioned in the schedule to the plaint?

A: Yes.

Q10: On what basis you are claiming copyrights over the musical albums mentioned in the suit schedule?

A: By the way of the assignment agreement dated 12.06.1997.

Q11: Who has executed this agreement Ex.P2 on behalf of the 1st defendant?

A: Mrs. Jeevaraja wife of Mr.Ilaiyaraaja.

Q12: Have you filed any document to show that the Mrs.Jeevaraja had rights over the musical works of 3rd defendant?

A:The documents that I have are assignments from the producers of the said films to Raja Music Universe.

Q13: Have you filed those documents in this suit?

A: I do not remember but I have the documents.

Q14: Have you got any documents to show that the respective producers obtained the copyrights for the musical works of the 3rd defendant?

A: I do not have the documents. Witness adds: Because it is an established fact that the producer that the producer alone is the owner of all the copyrights.

Q15: Have you got rights to exploit the musical works of 3rd defendant in the form of internet and other digital modes exist as on this date?

A: Yes. I have.

Q16: What is the documents to provide for such rights?

A: Same document Ex.P2.

Q17: Does this Ex.P2 provides anywhere in the agreement for exploiting the musical works in the modes that may develop in future that is after 12.06.1997?

A: As the entire copyright has been assigned without any limitation, I do have all the rights.

Q18: Does this agreement expressly provides any where for exploiting the musical works in future modes?

A: No any express provision.

Q19: What is the total consideration given by you for obtaining the alleged copyrights over the musical albums mentioned in the schedule to the plaint?

A: Rs.22,50,000/-

Q20: On what basis this amount was arrived at?

A: It was lump sum decided between the parties.

Q21: You have previously filed a suit C.S.385/1998 do you remember how many albums were claimed in that suit?

A: If I remember correctly 109.

Q22: That suit was filed in respect of 55 musical albums only. Is it correct?

A: It may be correct.

Q23: Why the remaining 54 albums were left out from in the earlier suit?

A: I do not remember. May be those 54 albums were not claimed by others.

Q24: I put it to you that for some reasons you have left out those 54 albums and in order to patch up that mistake you have filed the present suit?

A: I deny.

Q25: You have filed Ex.P1 entered with PPL, what is that PPL?

A: PPL is a organization which represents the most of the music companies to exploit and collect royalties on their behalf from various platforms.

Q26: Is this PPL a government body or a private concern?

A: It is a private concern.

Q27: Have you assigned your copyrights to PPL?

A: Yes.

Q28: Have you got any rights for further assigning the copyrights allegedly obtained by you through another agreement?

A: I can further assign.

Q29: Other than PPL have you assigned any rights to any other entity?

A: Yes.

Q30: How many other entities?

A: Few more, I do not remember exact.

Q31: You have mentioned in your plaint that the 1st defendant firm was promoted and managed by the 3rd defendant and his family. Have you got any proof to show that the 3rd defendant was involved in the 1st defendant firm?

A: I do not have.

Q32: You have further stated that the 1st defendant firm is exclusively dealing with the 1st defendant's music. Have you got any proof for that?

A: Yes. I got proof.

Q33: Can you file it in this present suit?

A: Yes.

Q34: How much time will you require to produce those documents?

A: In 15 days.

Q35: I put it to you that the 3rd defendant has no role in the 1st defendant firm and whatever terms entered with the 1st defendant will not bind on the 3rd defendant?

A: I deny.

Q36: Do you have knowledge that the signatory to Ex.P2 Mrs.Jeevaraja expired after the year 2010?

A: I knew about the death of Mrs.Jeevaraja.

Q37: After the death of Mrs.Jeevaraja, have you ever approach the 3rd defendant to confirm the terms entered through Ex.P2?

A: I did not need too.

Q38: In the earlier suit C.S. 385/1998 the Mr.Ilayaraja was not made a party. Can you explain the reason for not made in as party?

A: There was no need for that.

Q39: What is the need for adding D3 in the present suit?

A: Because he is now claiming ownership.

Q40: But Raja Musical Universe was made a party earlier suit. Does this mean that 1st defendant and 3rd defendant has no legal connection?

A: They do have legal connection.

Q41: I put it to you that you have not added Mr.Ilayaraja as a party in the earlier suit because he had no role in the 1st defendant firm namely Raja Music Universal?

A: I deny.

Q42: I put it to you that you have no valid legal documents to claim ownership over the copyrights in the schedule mentioned albums?

A: I deny.

Time : 01.20

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.

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