

Date of Application for the copy	Date fixed for notifying the requisite number of Stamps and folios	Date of delivery of the regular Stamps and folios	Date in which the copy was ready to deliver	Date of Marking the copy to the Applicant
27.9.05	27.9.05	27.9.05	27.9.05	27.9.05

Ptn.no. 6653.

District North 24-Parganas.

In the Court of 2nd Civil Judge (Snr. Divn) Baraset.

Title Suit no. 107/2005.

Saragani India Ltd-----Plaintiffs.

Vs.

I.P.R.S. and others-----Defendants.

Order no. 1 dt. 22.9.05.

Registered the plaint filed today, C.F.No. 3930/-  
 paid is correct. Requisites put in. Plff. files a petn.  
 u/o. 7 x 14(3) C.P.C. read with u/o. 151 C.P.C. supported  
 by an affidavit praying for granting leave to file the  
 plaint without original documents. Hd. considered. The prayer  
 is allowed. Issue summons upon the defendants on both  
 ways fixing 22.11.05 for ascertaining contest. Postal  
 receipt to be filed within 7 days.

Jd/-H. S. Ghosh Hazra.

Civil Judge.

Order (Later)

Plff. files a petn u/o. 39 x 1 and 2 read with  
 u/s. 151 C.P.C. supported by an affidavit praying for  
 passing an order of adinterim injunction on the grounds  
 stated therein. Plff. files another petn u/o. 1 x 8 C.P.C.  
 supported by an affidavit praying for passing necessary  
 order of advertisement notice in this suit on the grounds

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stated therein.

But on what saved.

S/- H.S. Ghosh Hazra.

Civil Judge.

Order no. 2 of 23/9/05.

HD. the ld. lawyer moving the injunction application perused the plaint, injunction application and the annexures.

Considered.

This is a suit for declaration and injunction.

The case of the plff-petnc. in short, that in view of M.O.U. dt. 12.11.1993 the defendant no.1, recognised the plff-company as the owners of the literary and music copy rights of the musical works, but the defendant company as yet did not publish and/or maintain the necessary registered or owners which he supposed to maintain as per copy right Act. The in view of the section 173 no explanatory statement was annexed with the notice impugned and the notice on the basis of which the defendant no.1. is going to call the Annual General meeting as its if and illegal and ultra vires one and hence, no effect on the notice dated 26.8.2005 can be given too. That the plff. has made out a prima facie case in his favour and as such an order of injunction as prayed for should be passed.

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Having perused the relevant sections of the copy rights Act, 1957 and particularly the sections 33 and 35 of the said Act and also having perused section 173 company's Act and the decision reported in vol 77 company cases 324 and the relevant rule of the copy right rules 1958, I think that the pliff -petnr has made out a prima facie case in its favour and delay in granting the order of injunction in following form may frustrate the object of the suit as well.

Considering it is,

ordered,

that the defendant no. 1. is to maintain status quo (as on this date) regarding giving effect and/or further effect of the notice dated 26/8/2005 given by him till 25.10.05.

Issue notice calling upon the defendant to show cause within 15 days from the date of receipt thereof as to why the pliff's prayer for temporary injunction shall not be allowed.

Pliff. to comply order 39 rule 3(a) and (b) of C.P.C. at once.

Requisites forthwith.

S/- H. S. Ghosh Hazra.

Typed by:-

27/9/05

Civil Judge (Snr. Division).

23/9/2005.