



Date of Application for the copy	Date fixed for notifying the requisit number of Stamps and folios	Date of delivery of the requisit Stamps and folios	Date on which the copy was ready for delivery	Date of Marking over the copy to the Applicant
26/9/06	27/9/06	27/9/06	27/9/06	27/9/06

P.No. E - 6472.

In the Court of Ld. 2nd Civil Judge (Sr.Division), Barasat.
North 24-Parganas.

T.S.No. 124/2006.

Saragama India Ltd. - Versus - The IPRS and Others.

Present : Shri H.S.Ghosh Hazra, C.J.,

Order No.1, Dt.25.9.06./

Register the plaint filed ~~by~~ today. C.F. required of Rs. 4000/-. C.F. paid is correct. Requisites put in. Issue summons upon the defendants in both ways.

Fixing 16/11/06 for ascertaining contest. P.R. to be filed within 7 days.

Sd/- H.S.Ghosh Hazra,
C.J.,

LATER /

Plaintiff files a petition U/O 39 Rule 1 and 2 read with Sec. 151 of C.P.C. supported by an affidavit praying for ad-interim injunction on the grounds as stated therein. Put up when moved.

Heard thed. lawyer moving the injunction application. Perused the plaint, injunction application and the annexures annexed with the injunction application.

Considered.

This is a suit for declaration and injunction.

The case of the plttf, in short, that in view of



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- 2 -

M.O.U. dt. ~~12.11.93~~ 12.11.93 the dfdt No.1 recognised the plaintiff company (SARAGAMA Pvt. Ltd.) as the owners of literally and music copy rights holder of their musical works. That upon registration as copy right society, it was and is obligatory on the part of the respondent No.1 and its governing counsel to amend the articles of association and to prepare a list of members for ensuring that only the owners of copy rights are members of the society and entitled to vote at general meeting for the election as members of governing counsel. That the defdt.company though it was duty bound according to the copyright Act and rules, 1957 and as per the subsequent amendment of the said Act to maintain and publish necessary, register of owners but the defdt-company as yet did not publish and/or maintain any such register which they are statutorily obliged to maintain. That in violation of the prescribed rules of copyright Act 1957 the dfdts are going to call annual general meeting on / 29.9.06 on the basis of the impugned notice dt. 25.8.2006 for which the pldff. has preferred this instant suit and injunction application.

On perusal of the averments made in the injunction application and also on perusal of the relevant annexures it appearsthat the dfdt No.1 admitted that process of completing the register of owners, who would be entitled to



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- 3 -

caste their vote in the A.G.M., is under process and the same is yet to be completed and from the annexure suit is also clear, at least prima facie, that necessary before hand notice was not served upon the plttf-company as contemplated in Rule 14(L) of the copyright rules 1958.

Considering the contains of the annexures and the Rule 14(L) of the Copyright Rule 1958 it appears that the plttf-company has made out a prima facie case with regard to the legality and validity of the of the impugned notice dt. 25.8.06, I also think that if an order of injunction is not passed in the following form, the very objet of the suit may be frustrated. Considering it is -

O R D E R E D

That the dftd No.1 is to maintain status-quo (as on this date) with regarding to giving effect and/or further effect of the notice dt. 25.8.06 till 19.10.06.

Issue notices calling upon the dftds to show cause within 15 days from the date of receipt thereof as to why the plttf. prayer for temporary injunction shall not be allowed.

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



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- 4 -

Requisites forthwith.

Sd/- H.S.Ghosh Hazra,
2nd Civil Judge (Sr.Division),
Barasat, North 24-Parganas.
25.9.06.

Order No.2, Dt.26.9.06./

Affidavit of service in-compliance to order 39 Rule 3(a) (b) (c) is filed without process fee and requisites. Let it be kept with the record.

Sd/- H.S.Ghosh Hazra,
2nd Civil Judge (Sr.Division),
Barasat, North 24-Parganas.

TYPED BY :

S. Chakrabarty
27.9.06.