

## Order

### IA 5960/2013 filed on behalf of plaintiff under Order 1 Rule 10 CPC for impleadment of Society for Promoting Educational Access and Knowledge (SPEAK), in CS(OS) 5960/2013

Learned counsel for the plaintiff accepts notice and states that no reply is to be filed.

By means of the present IA, the society has sought impleadment on the ground that the applicant is a group of academics from several reputed academic institutions and authors and considering the nature and scope of the present lis are likely to be affected by this outcome.

It is the concern of the society that the claim of the plaintiff is in derogation with the statutory defence as per the amended Section 52 of Copy Right Act.

The suit is for permanent injunction, damages, rendition of accounts etc. brought on the basis of unauthorized reproduction and issuance of copies of academic publications of the plaintiff, who is a publisher claiming public rights in such works. Plaintiff side submits that they have no objection against the impleadment though such impleadment would be without prejudice to their rights and contentions.

It has also been contended that in view of amended Section 52 (1) (i) of the Copy Right Act, the reproduction of any work by teacher or pupil in course of instructions is an act amounting to infringement.

It has been contended that similar application filed by the Body of Students stands allowed by the Hon'ble Court on 01.03.2013.

Although the suit is for injunction and rendition of accounts and the applicants are necessary parties, however, considering the plaintiff side has

not objected to their impleadment and the impleadment would aid effective decision, the application is allowed.

IA stands disposed of as allowed.

Place the matter before the Hon'ble Court for further directions on 25.04.2013 i.e. the date already fixed.

*Announced in the open court*