

**ORDER**

The Present suit filed by plaintiff for Perpetual injunction to restrain the defendants or anybody claiming under it from infringing of the literary work entitled **“The Challenges of providing Humanitarian Assistance in Non-permissive Environments”** or any part thereof either in print or online or in any

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other medium, either directly or indirectly in any manner whatsoever.

2. The specific claim of the plaintiff in the plaint is that the defendant no.2 and 3 are the Assistant Professors working at defendant no.1 college published the literary work of plaintiff in the journal published by defendant no.4. The plaintiff claims that the defendant no.2 and 3 published the aforesaid article of plaintiff as their article in the journal published by defendant no.4.

The plaintiff produced the documents along with the plaint such as copy of the brochure for the Global Jural Conclave 2023, Rules and Regulations for Law Student Conference 2023, Email of plaintiff dated 30/1/2023 along with enclosures, copy of the certificate of merit awarded to the plaintiff, photographs, infringing publication as downloaded from the website defendant no.4 along with other documents. All these materials at this juncture prima facie establishes the fact that the defendant no2 and 3 published the article of plaintiff.

3.The plaintiff along with the suit filed

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IA.No.I to III u/O.39 Rule of 1 and 2 of Civil Procedure Code, praying to restrain the defendant or anybody claiming under it from infringing the plaintiff's literary work **“The Challenges of providing Humanitarian Assistance in Non-permissive Environments”** or any part thereof. The plaintiff along with the plaint produced the aforesaid documents in support of plaint averments. All these documents shows that the plaintiff has made out prima-facie case in its favour. Now the apprehension of the plaintiff is that the defendant by using plaintiff's literary work infringing plaintiff's right over it. As the plaintiff at this juncture has made out prima facie case, certainly she is entitled for ex-parte temporary injunction by dispensing with notice to the defendant.

4. The Hon'ble Supreme Court of India in a decision reported in AIR 2011 SCW 4000 (Rameshwari Devi and others V/s Nirmala Devi) held that the court has to grant injunction in exceptional cases, then while granting injunction, it must record in order that if the suit is eventually dismissed, the

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plaintiffs or the petitioners will have to make full restitution, actual or realistic costs and mesne profits. Keeping in mind of the above said principles, the court proceed to pass the following;

### ORDER

The defendants or anybody claiming under them are hereby restrained from infringing the literary work of the plaintiff namely **“The Challenges of providing Humanitarian Assistance in Non-permissive Environments”** or any part thereof that amounts to infringement of the plaintiff’s copyright as claimed in IA No.I to III, till filing of objection to IA.No.I to III, by the defendant with due notice to the plaintiff subject to following:-

#### **-: Conditions:-**

1) The plaintiff shall give express undertaking to the court that in the event plaintiff fails in the suit it will compensate the defendant in actual cost and loss and also pay the mesne profits to the defendant.

2) The plaintiff shall comply the order as per Order 39, rule 3(a)and (b) of Civil Procedure Code, within statutory period and plaintiff shall

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furnish true copies of plaint, documents, material objects annexed to plaint and IA as well as pay the P.F within 7 days from this date, failing which, granting of above interim order automatically stands canceled.

3) Office is directed not to issue the certified copy of the order and TI unless and until the plaintiff gives the express undertaking as per condition No.1 and compliance as per condition No.2.

Accordingly issue order of TI, I.A notice and suit summons to the defendants through registered post r/by **31/8/2023**.

**(PADMA PRASAD)**  
XVIII Addl.City Civil Judge,  
**Bengaluru.**