

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 525/2020

I.A.11182/2020 (under Order XXXIX Rule 1 and 2 CPC)

I.A.11183/2020 (exemption)

ANIL MOHAN BHARDWAJ

..... Plaintiff

Represented by: Ms.Subhoshree Sil, Advocate with
Mr.Harshit Batra, Ms.Jahnvi Sharma,
Mr.Tavish B.Prasad, Advocates.

versus

RAVI POCKET BOOKS & ORS.

..... Defendant

Represented by: Mr.Manish Singhal, Advocate for D1
and D2
None for D3
Mr.Amar Gahlot, Advocate for D4,
D5 and D6

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

27.11.2020

The hearing has been conducted through video conferencing.

I.A.11183/2020 (exemption)

1. Exemption allowed subject to just exceptions. Original documents, if any, be filed within two weeks of the resumption of the normal Court functioning.

2. Application is disposed of.

CS(COMM) 525/2020

I.A. 11182/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Plaintiff be registered as a suit.
2. Issue summons in the suit and notice in the application to the defendants.
3. Learned counsels for the defendant Nos. 1 & 2 and defendant Nos. 4, 5 & 6 enter appearance and accept summons in the suit and notice in the application.
4. Summons in the suit and notice in the application be now issued to the defendant No. 3 on the plaintiff taking steps through Email, SMS, Whatsapp, Speed Post and Courier, returnable before the learned Joint Registrar for completion of service, pleadings and admission-denial of documents on 7th January, 2021.
5. Written statements to the suit and reply affidavits to the application along with the affidavits of admission-denial will be filed within thirty days. Replication and rejoinder affidavit along with the affidavit of admission-denial within three weeks thereafter.
6. List the suit and application before Court on 19th February, 2021.
7. The present suit has been filed by the plaintiff claiming that the plaintiff is a Hindi Novelist, writing independently since the age of 15 years and has written and got published around 750 novels. Around 258 novels have been written under his original name and rest of the novels of the plaintiff have been published under several trade names. According to the plaintiff, he entered into several agreements since 2001 to 2015 with the defendant No. 1 and in previous years, some with defendant No. 6, who is the predecessor of the defendant No. 1 for publication of his more than 47 novels, whose copyrights remained with the plaintiff and only the rights of the publication were assigned to the respective defendants.

8. Grievance of the plaintiff is that the defendants are publishing and re-publishing the novels without the permission of the plaintiff despite the fact, they have no copyrights in the said novels. Further, the defendants are charging exorbitantly, more than the agreed prices for the said novels and now, the defendant Nos. 1, 2, 4, 5 and 6 have gone ahead with making audio books from the novels giving fictitious names of the books as a whole, which again infringes the plaintiff's copyrights.

9. Learned counsels for the defendant Nos. 1 & 2 and 4 to 6 state that the defendants have copyrights in some of the novels and publishing rights in most of the novels.

10. Considering the averments of the plaint as also the documents filed therewith, this Court finds that the plaintiff has made out a prima facie case in his favour and in case no ad-interim injunction is granted, the plaintiff would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff. Consequently, till the next date of hearing before this Court, defendants are restrained from publishing or re-publishing the novels without the written consent of the plaintiff in which valid copyright still subsists with the plaintiff. The defendant Nos. 1, 2, 4, 5 and 6 will also not change the prices of the novels in which valid copyright subsists with the plaintiff without the consent of the plaintiff and are also restrained from making audio books from the plaintiff's novels in which he has subsisting valid copyright(s) without the written consent of the plaintiff.

11. Copy of the order be uploaded on the website of this Court.

MUKTA GUPTA, J.

NOVEMBER 27, 2020/akb