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

+ **CS(COMM) 1310/2025**
SAREGAMA INDIA LIMITED

.....Plaintiff

Through: Mr. Chander M. Lall, Senior Advocate, Mr. J. Sai Deepak, Senior Advocate, with Mr. Ankur Sangal, Mr. Shashwat Rakshit, Ms. Amrit Sharma and Ms. Annanya Mehan, Advocates.

versus

BLACK MADRAS FILMS & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **09.12.2025**

I.A. 30780/2025 (Exemption from filing clear copies, English translated copies of documents)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. No. 30777/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015.
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.



5. The Application stands disposed of.

I.A. No. 30779/2025 (Extension of time to file Court Fees)

6. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, (“CPC”), seeking exemption from payment of Court Fees at the time of the filing of the Suit.

7. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

8. The Application stands disposed of.

I.A. 30781/2025 (seeking leave to file electronic evidence in pen drive)

9. This Application has been filed by Plaintiff under Section 151 of the CPC seeking permission to place on record a pen drive containing video clips of Defendants’ infringing activities.

10. In view of the averments made in the Application, the same is allowed and it is directed that pen drive be taken on record.

11. Accordingly, the Application stands disposed of.

CS (COMM) 1310/2025

12. Let the Plaint be registered as a Suit.

13. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.

14. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file Affidavit(s) of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

15. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the



Replication(s) filed by the Plaintiff, Affidavit(s) of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

16. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

17. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

18. List before the learned Joint Registrar on 03.02.2026 for completion of service and pleadings.

IA No. 30778/2025 (O-XI R-1(4) of the CPC)

19. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

20. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

21. Accordingly, the Application stands disposed of.

I.A. No. 30776/2025 (U/O XXXIX Rule 1 & 2 of CPC)

22. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

23. The present Suit has been filed by the Plaintiff against the Defendants for infringement of its Copyright in the literary and musical work of the song, 'Naguva Nayana' ("Subject Song") and its underlying literary and musical works from the cinematographic film 'Pallavi Anu Pallavi', ("Subject Film") by reproducing the same in the cinematographic film 'Mask' ("Defendants'")



Film”) as a background score without authorization / license from the Plaintiff.

24. The learned Senior Counsel for the Plaintiff made the following submissions:

- 24.1. The Plaintiff is, *inter alia*, engaged in the business of acquisition of Copyrights in sound recordings and literary, musical and dramatic works contained therein and distribution, sale and exploitation of the same through various modes and mediums. The Plaintiff has a vast and illustrious history in the field of recorded music in India for more than a century.
- 24.2. The Plaintiff is in the business of music entertainment and has produced and / or acquired and, therefore, owned and continues to own the Copyright in many sound recordings as well as the literary, musical, and dramatic works, which form part of the aforesaid sound recordings.
- 24.3. As per Section 17 of the Copyright Act, 1957 (“**Act**”) as well as various judicial pronouncements, it is settled law that the producer of a cinematographic film or a sound recording is the first owner of the Copyright in the sound recordings, literary works, musical works and other works, which form a part of the said cinematographic film.
- 24.4. The producer of the Plaintiff’s Cinematographic Film, M/s Venus Pictures, entered into a Copyright Assignment Agreement dated 27.12.1980 (“**Copyright Assignment Agreement**”) with the Plaintiff, by virtue of which the Copyright in the sound recordings and the musical and literary works of the songs of the



Plaintiff's Cinematographic Film came to vest with the Plaintiff. Hence, the Plaintiff is the owner of the sound recordings and the musical and literary works in the songs of the Subject Film, including the Subject Song.

- 24.5. The Plaintiff owns the Copyright in the Subject Song absolutely, worldwide, and in perpetuity. The Plaintiff being the owner of the sound recordings as well as the underlying musical and literary works in the Subject Song has the exclusive right to adapt, reproduce, synchronize, perform in public or make any sound recording in respect of the Subject Song. Further, the Plaintiff also has the exclusive right under Section 30 of the Act to grant the license of the Subject Song to various third parties.
- 24.6. On 26.11.2025, the Plaintiff learnt that Defendant Nos. 1 and 2 had used the Subject Song from the Subject Film as a background score in the Defendants' Film, without authorization / license from the Plaintiff. The Defendants' Film has been theatrically released worldwide on 21.11.2025, and the same is anticipated to be released soon on the OTT Platforms and Satellite Television and other online platforms in near future.
- 24.7. Upon receiving knowledge of the same, the Plaintiff immediately sent a Cease and Desist Notice dated 26.11.2025 to the Defendant Nos. 1, 2 and 4 ("**Notice**"), informing the said Defendants that the rights in the Subject Song belonged to the Plaintiff and that any use of the same without an appropriate license would amount to infringement of the Subject Song. Accordingly, the Plaintiff directed the Defendants Nos. 1, 2 and



4 to immediately regularise the unauthorised usage of the Subject Song.

- 24.8. Defendant No. 1 and 2, *vide* its email dated 27.11.2025, responded to the Notice and alleged that the Defendant No. 1 had taken a license from Defendant No. 5, Mr. Ilaiyaraja, to adapt, record / recreate and synchronize the Subject Song. The Defendant Nos. 1, 2 and 4, therefore, did not agree to comply with any of the requisitions sought by the Plaintiff in the Notice.
- 24.9. Although Defendant No. 5 is the music composer and the author of the musical work of the Subject Song composed for and is part of the Subject Film, the Producer of the Subject Film is the first owner of the Copyright in the Subject Song, which has been transferred to the Plaintiff *vide* the Copyright Assignment Agreement.
- 24.10. Defendant No. 5, therefore, did not have the right to issue any license in favour of Defendant No. 1 in relation to the Subject Song and its underlying musical and literary works.
- 24.11. This Court has already decided the said issue in favour of the Plaintiff *vide* order dated 30.01.2025 in a similar matter being CS (COMM) No. 38 of 2025 filed by the Plaintiff against VELT Film International Limited, wherein Defendant No.5 herein was joined as Defendant No. 3.
- 24.12. As Defendant No. 5 is not the author of the literary work in the Subject Song, as the same was written by Mr. R.N. Jayagopal, Defendant No. 5 cannot claim any rights over the Subject Song. Hence, Defendant No. 5 could not have given any license with



respect to the Subject Song to Defendant No. 1.

24.13. The Supreme Court in ***Indian Performing Right Society Ltd. Versus Eastern Indian Motion Pictures Association and Others***, (1977) 2 SCC 820, has categorically held that when a producer commissions a composer for valuable consideration to create music for a cinematographic film, the sounds created for incorporation into the film's soundtrack form part of the cinematographic film itself. In such a situation, the producer becomes the first owner of the Copyright in that material, and the composer does not retain any Copyright in the music composed, unless there is a contract to the contrary.

24.14. In view of the above, the Plaintiff has made prima facie case for either directing the Defendants to remove the Subject Song from the Defendants' Film or restrain the Defendant from releasing the Defendants' Film on OTT and Satellite Television or any other online media unless the Defendants have deposited a composite license fees of ₹30,00,000/- (Rupees Thirty Lakhs Only) before the Registrar General of this Court, without prejudice to the rights and contentions of the Parties, for use of the Subject Song in the Defendants' Film as an interim arrangement.

25. The author of a work is recognised as the first owner of the Copyright under the Act. Section 17 of the Act provides that, subject to the other provisions of the Act, the author is the first owner of the Copyright. Accordingly, a music composer is the initial Copyright owner in the musical work. However, Section 17(b) of the Act provides that when a



cinematographic film is created for valuable consideration at the instance of any person, and where there is no agreement to the contrary, that person becomes the first owner of the Copyright in the soundtrack associated with that film. Therefore, the producer of a cinematographic film is the first owner of the Copyright in the sound recordings, literary works, musical works and other works, which form a part of the said cinematographic film.

26. In view of Section 17(b) of the Act and the decision of the Supreme Court in ***Indian Performing Right Society*** (supra) and the Copyright Assignment Agreement, it is *prima facie* evident that the Plaintiff holds the Copyright in the Subject Song. Therefore, the Plaintiff is entitled to enforce its rights under the Act to protect exploitation by third parties. Defendant No. 5, being the composer of the Plaintiff's Song, does not have the right to give license for use of the Subject Song to Defendant Nos. 1 and 2 in the Defendant's Film.

27. Accordingly, the Plaintiff has made out a *prima facie* case for grant of an *ex-parte ad-interim* injunction. However, as the Defendants' Film has already been theatrically released world-wide and the Plaintiff has made statement that the Plaintiff has no objection for the release of the Defendants' film on OTT Platforms, Satellite Television and other online platforms, so long as the license fees is deposited before this Court, the balance of convenience is not entirely in favour of the Plaintiff. No irreparable loss will be caused to the Plaintiff, if the amount of the license fees is directed to be deposited before this Court prior to release of the Defendants' Film on OTT Platform, Satellite Television or another other online platform.

28. In view of the above, till the next date of hearing, it is directed that Defendant Nos. 1 and 2 shall either remove the Subject Song, 'Naguva



Nayana' from the Defendants' Firm, 'Mask' or deposit an amount of ₹30,00,000/- (Rupees Thirty Lakhs Only) with the Registrar General of this Court before the release of the Defendants' Film 'Mask' on OTT Platforms, Satellite Television or any other online platform, failing which Defendant Nos. 1 and 2, their directors, partners or proprietors, licensees, assigns, officers, servants, agents, representatives, contractors, sister concerns and any other person working for and on behalf of the Defendants are hereby restrained from releasing the Defendants' Film, 'Mask', on OTT Platforms, Satellite Television or any other online platform, while using the Subject Song, 'Naguva Nayana'.

29. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

30. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

31. List before this Court on 23.03.2026.

TEJAS KARIA, J

DECEMBER 9, 2025

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