



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 7133 OF 2026
IN
COMMERCIAL IP SUIT NO. 102 OF 2026

Phonographic Performance Limited

...Applicant

Versus

Sri Ganapathy Silks Sankarankoli Private Limited

...Respondent

Mr. Amogh Singh, Mr. Asmant Nimbalkar, Mr. Anil Kumar Singh, Mr. Josiah Manoharan i/b Mr. D. P. Singh for Plaintiff.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : MARCH 7, 2026

P. C. :

1. Mr. Singh, learned counsel appearing for Plaintiff submits that the Respondents have been duly served with the proceedings of the present matter. None appears on behalf of Respondents. The Affidavit of service is tendered and taken on record.
2. Interim Application has been moved after notice to the Defendant seeking injunction restraining the Respondents from publicly performing or communicating in any manner whatsoever the sound recording of the songs assigned to the Plaintiff or allowing their premises to be used for the said purpose without obtaining the license

in the sound recording from the Plaintiff and otherwise infringing the copyright.

3. Mr. Singh submits that the Plaintiff is the owner of the copyright in the sound recordings repertoire on the basis of Deed of Assignments/exclusive agreements in his favor entitling him to exclusively grant license for communication of sound recordings under Section 30 of the Copyright Act, 1957. He submits that the Respondent is a showroom and has various outlets. He submits that the Plaintiff's representative visited the Defendant's various outlets on 23rd January, 2025, 5th December, 2025 and 6th December, 2025. He points out to the Affidavit of his representative which is appended to the plaint and would submit that during these visits, the representative found that the Plaintiff's copyrighted sound recordings are being communicated unauthorizedly. He submits that the representative recorded the same on his mobile and has transferred the same into C.D. which is annexed to the plaint. He submits that on 4th February, 2025 and 11th January, 2026, a legal notice was sent to the Defendant to which there is no response.

4. Despite service, none appears on behalf of the Respondents. On record is the Affidavit of Plaintiff's representative stating on oath about the visits conducted by the Plaintiff's representative to the Respondent's showroom and that during these visits, he found that the

Plaintiff's copyrighted songs were being broadcasted without procuring the license from the Plaintiff. *Prima facie*, the Affidavit of Plaintiff's representative at this stage, will have to be accepted particularly, when the C.D. of unauthorized sound recordings have been appended to the Plaint. There is *prima facie* substance in the claim of the Plaintiff that the Defendants are unauthorizedly broadcasting the Plaintiff's copyrighted song recordings.

5. In light of above, ad-interim relief is granted in terms of prayer clause (a).
6. Stand over to **20th April, 2026.**
7. Ad-interim relief granted to continue till next date.

[SHARMILA U. DESHMUKH, J.]