

**IN THE COURT OF SH. ANIL KUMAR SISODIA
DISTRICT JUDGE (COMMERCIAL COURT)-04,
CENTRAL DIST. DELHI**

CS(COMM) 715/2021

Rishi Raj

S/o Late Sh. Mann Singh
Proprietor of M/s Raj Rishi Films
C/o 6046/2, Dev Nagar,
Karol Bagh, New Delhi-110005

.....**Plaintiff**

Vs.

1. GOOGLE LLC

1600, Amphitheatre Parkway,
Mountain View, CA 94043,
United States of America
*[substituted as defendant no. 1 in place of
YOUTUBE LLC, 1000 Cherry Avenue,
San Bruno, California (U.S.A)
Also at: 74 E Third Avenue, San Mateo
California-944901 (U.S.A), vide order dated 23.05.2022]*
(Deleted vide order dated 20.01.2026)

2. GOOGLE INDIA

GOOGLE INDIA PVT. LTD.
8th and 9th Floors,
Tower C Building No.8,
DLF Cyber City, Gurgaon, Haryana
(Deleted vide order dated 23.05.2022)

3. Gaurav Trehan

Prop. Of M/s Catrack Worldwide
Plot No. 400 Sec. 82, Chandigarh,

Punjab-160055

4. Gaurav Trehan

Prop. Of M/s 21st Centuary Production
Plot NO. 400, Sec. 82, Chandigarh,
Punjab-160055

..... **Defendants**

Date of e-filing of suit: 27.02.2021

Date of reserving for order: 20.04.2026

Date of pronouncement: 04.05.2026

Judgment

1. Plaintiff has filed the present suit for permanent, mandatory injunction and rendition of accounts against the defendants.

2. Initially the suit was filed against You Tube LLC as defendant no. 1. However, vide order dated 23.05.2022 Google LLC was substituted as defendant no. 1 in place of You Tube. Vide same order defendant no. 2 Google India Pvt. Ltd was deleted from the array of parties on an application filed by the defendant no. 2 u/O 1 Rule 10 CPC.

3. The case of the plaintiff as stated in the plaint is that plaintiff is a proprietor of M/s Raj Rishi Films and is engaged in the business of film production, film distribution and acquiring negative rights for various films which includes Doordarshan rights, satellite rights, cable rights, internet rights etc of those

films. The plaintiff acquired all the rights of theatrical, non theatrical, video and telecasting and all other possible use of negative rights qua the following films from their copy right, owners vide different agreements executed with them and detailed as below:-

Name of Films	Date of Agreement	Persons/Firm from whom the rights were acquired
VAIRI	26.10.2006	M/s Tanda Films
KANCH KI DIWAAR	03.04.2000	M/s Ace Movie Maker
LAJJO	11.09.2019	M/s Aarti Picture
MARYADA KASUATI	14.01.1998	M/s Karuna Films
KALI TOPI LAL RUMAL	12.09.1992	Shri Devi Sharma
MAIN NASHE MAIN HOON	11.12.1992	M/s Varma Pictures
AANKH KA TARA SATI AUR BHAGWAN	01.05.1999	Shri Shanti Lal Soni

It was further stated in the plaint that the plaintiff had the exclusive rights including copy rights in the aforesaid films by virtue of the aforesaid agreements. In September, 2018 plaintiff came to know that defendant no. 3 & 4 had been telecasting all the aforesaid films on their Youtube Channel i.e. 21st Century Production, Catrack Worldwide, Catrack Entertainment and Catrack Movies and had also been telecasting songs of these films on their Youtube channel unauthorizedly and without the consent of the plaintiff. It was further averred in the plaint that

plaintiff approached the defendant no. 3 and 4 not to interfere in the rights of the plaintiff qua the aforesaid films but without any success. The plaintiff also served legal notice dated 24.09.2019 to defendant nos. 3 and 4 for infringement of copy rights with respect of aforesaid films, wherein the defendant were apprised to cease and desist forthwith from broadcast and use of cinematographic. However, defendants did not reply to the notice despite its service. Finding no other alternative, plaintiff has filed the present suit.

4. Summons of the suit were issued to the defendants. Defendant nos. 3 and 4 were served through whatsapp on 11.09.2021 and through email on 07.09.2021. None appeared on behalf of defendant nos. 3 & 4 and they were proceeded ex-parte vide order dated 12.10.2021.

5. To prove its case, plaintiff has examined himself as PW-1 and filed his examination-in-chief by way of affidavit Ex.PW-1/A and has reiterated the facts stated in the plaint. The witness has proved the following documents: -

Sr. No.	Documents	Exhibits
1	Photocopy of Agreement dated 26.10.2006 of Vairi	Ex. PW-1/1 (OSR)
2	Photocopy of declaration dated 13.02.2018 of Vairi	Mark P-3
3	Photocopy of Agreement dated	Ex. PW-1/2 (OSR)

	03.04.2000 of Kanch Ki Diwaar	
4	Photocopy of Agreement dated 11.09.2019 of Laajo	Ex. PW-1/3 (OSR)
5	Photocopy of Agreement dated 14.01.1998 of Maryada and Kasuati	Ex. PW-1/4 is de-exhibited and same is now marked as Mark P-1
6	Photocopy of Agreement dated 12.09.1992 of Kali Topi Lal Rumal	Ex. PW-1/5 is de-exhibited and same is now marked as Mark P-2
7	Photocopy of Agreement dated 11.12.1992 of Main Nashe Main Hoon	Ex. PW-1/6(OSR)
8	Photocopy of Agreement dated 01.05.1999 of Ankh Ka Tara and Sati Aur Bhagwan	Ex. PW-1/7 (OSR)
9	Legal notice dated 24.09.2019	Ex. PW-1/8
10	Screen shots of running song/ films of plaintiff on defendant channels	Ex. PW-1/9 (colly)is de-exhibited and same is now marked as Mark P-4

Thereafter, ex parte PE was closed.

6. I have heard the arguments of Ld. counsel for the plaintiff and have perused the record carefully.

7. The testimony of PW-1 has remained unassailed and unrebutted as defendant has not contested the suit. PW-1 has proved on record

8. From the perusal of unrebutted testimony of PW-1 and the documents proved on record, I am of the considered opinion that plaintiff has established that plaintiff was engaged in the business of acquiring negative rights, satellite rights, cable rights, internet rights etc. PW-1 has proved the copy of agreement dated 26.10.2006 in respect of the film *Vairi* as Ex. PW-1/1, copy of agreement dated 03.04.2000 of film *Kanch Ki Diwaar* as Ex. PW-1/2, copy of agreement dated 11.09.2019 of the film *Laajo* as Ex. PW-1/3, copy of agreement dated 11.12.1992 of film *Main Nashe Main Hoon* as Ex. PW-1/6, copy of agreement dated 01.05.1999 of film '*Ankh Ka Tara and Sati Aur Bhagwan*' as Ex. PW-1/7 respectively. The plaintiff has also proved the legal notice dated 24.09.2019 as Ex. PW-1/9. However, the plaintiff did not produce the originals of the agreement dated 14.01.1998 in respect of the film *Maryada and Kasauti* which were marked as Mark P-1 and copy of agreement dated 12.10.1992 of the movie *Kali Topi Lal Rimal* which was marked as Mark P-2. Therefore, in my considered opinion the plaintiff has established his ownership rights in the copyrights of the films *Vairi*, *Kanch Ki Diwar*, *Laajo*, *Mein Nashe Mei Hu*, *Ankh Ka Tara and Sati Savitri* but has failed to establish his ownership rights in the

copyrights of the film *Maryada, Kasauti and Kali Topi Lal Rumal*.

9. It is further the case of the plaintiff that defendant nos. 3 & 4 were illegally telecasting the films and songs on their You Tube Channel “21st Centurary Production”, “Catrack World Wide”, “Catrack Entertainment” and “Catrack Movies” without any right, title or interest and further failed to respond to the legal notice dated 24.09.2019 Ex. PW-1/8. In order to prove the infringement committed by the defendant nos. 3 & 4, the plaintiff has relied on the screen shots of the You Tube Channel as Mark P-4 (colly). However, the plaintiff has failed to file any certificate u/s 65 (B) of Indian Evidence Act in support of these screen shots. In the absence of any such certificate being filed by plaintiff, the aforesaid screen shots relied upon by the plaintiff are inadmissible in evidence. Apart from these screen shots, the plaintiff has not produced any oral or documentary evidence in support of his averments that the defendant nos. 3 & 4 were indulging in infringement of the copyrights of the plaintiff.

10. Therefore, in the absence of any cogent and admissible evidence on record to prove that defendant nos. 3 & 4 had infringed the copyrights of the plaintiff, I am of the considered opinion that the plaintiff has failed to discharge the initial burden of proof cast on him. Mere fact that defendants did not contest the suit, would not in itself be sufficient to exonerate the plaintiff

from proving its case by preponderance of probabilities. Accordingly, the suit filed by the plaintiff for grant of injunction as well as rendition of account is dismissed. No order as to cost.

Decree sheet be prepared accordingly.

File be consigned to record room after due compliance.

Announced in the open Court **(ANIL KUMAR SISODIA)**
Dated : **04th May, 2026** District Judge (Commercial Court-04)
Central District, Tis Hazari Courts, Delhi