

BEFORE COPYRIGHT BOARD

Bench : Justice R.C. Chopra (Retd.) – Chairman
Prof. Shiv Kumar – Member

Case No. 8/2006

Sudhakar Kashinath Joshi
Jalgaon, Plot No.24, Opp. Ganari
Apartment, Ring Road, Maharashtra

..... Petitioner

Vs

Sadvichar Darshan, 6/8 Vimaljyoti,
Dr. Villson Street, Bombay-4 & others

..... Respondent

F. No. 1-31/2008.CRB(WZ)

Kulkarni Shrikant Purushottam,
16698, Gujrathi Gali, Dharangaon, Distt. Jalgaon (Maharashtra)-05
Rana Ganesh Jagannath,
34, Baliram Peth, Jalgaon (Maharashtra)-1

..... Petitioner

Vs

Sadvichar Darshan
P.T.R.No.E(Bom),
Narimal Niketan, 2, Dr. Bhajekar lane,
Girgoan, Mumbai-400022 & others.

2. Dharamsingh Morarji Popat,
25-A, Amita Vth floor, J.B. Marg,
Opp. Chavan Auditorium, Mumbai-400021 & others

.... Respondents

Present:

Shri Mayur R. Shah Counsel for the Petitioner.
None for the Respondent.

Order

The Coram is not complete as the Chairman and one Member only are present. Joint Secretary (Law), the third member is not available. The Registrar, Copyright Board, gave him a phone call at about 10.35 AM to find out as to why he had not come, when he informed him that he was not in a position to attend the hearing. Therefore, for want of Coram, the hearing has to be adjourned.

On 21.9.2011, in the presence of the Joint Secretary (Law), various dates were fixed for hearing, matters which are pending since long. The matters were fixed for 1st, 2nd, 3rd, 15th, 16th, 22nd, 23rd, 29th and 30th of November, 2011 with the object that the hearings in the matters are

expedited. However, the hearings could not be held on 1st, 2nd, and 3rd November, 2011 as both the members, including Joint Secretary (Law), were not available. Only a day before the hearing, the Registrar (CRB) came to know about their non availability and as such no arrangements could be made for inducting some other members. The hearings, therefore, scheduled for 1st, 2nd and 3rd November, 2011 were adjourned for want of Coram.

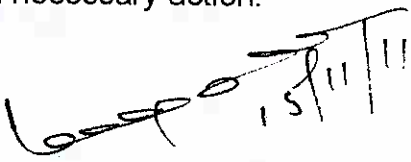
Today also, the Chairman as well as the Acting Director (ILI) are present for holding the sitting. Counsel as well as parties are also in attendance. Since the third Member (Joint Secretary (Law)) did not reach the venue of the sittings by 10.30 AM, the Chairman asked the Registrar (CRB) to find out as to where he was, upon which the Registrar made a phone call at his office and had a talk with him. He expressed his inability to attend the proceedings.

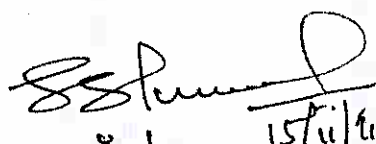
Unnecessary adjournments not only delay the disposal of the matters but also cause extreme inconvenience and financial loss to parties and their Counsel, some of whom come from outstations even. Learned Counsel who come prepared for conducting the proceedings have to go back without any further progress in the matters. This is absolutely undesirable and uncalled for.

The Chairman is, therefore, of the view that future hearings would be announced only after there is some assurance/certainty about the availability of the Members to constitute the required Coram.

Accordingly, the hearings fixed for tomorrow as well as 22nd, 23rd, 29th and 30th November, 2011 are cancelled. The parties/their counsel be informed by the Registry that future dates would be intimated later.

A copy of proceedings be sent to the Secretary, Ministry of Human Resources Development with the request that it be placed before the Hon'ble Minister also for his kind information and necessary action.


Justice (Retd.) R C Chopra


Prof. Shivakumar,
Acting Director (ILI)

New Delhi, Dated 15.11.2011.