Satsang And Anr. vs Kiron Chandra Mukhopadhyay And Ors. on 18 July, 1972

Equivalent citations: AIR1972CAL533, AIR 1972 CALCUTTA 533

ORDER

Hazra, J.

1. The plaintiffs Satsang a registered society under the Societies Registration Act and Nani Gopal Chakra-barty, the Secretary. Satsang have made this application for interlocutory injunc-tion restraining the defendants. Kiron Chandra Mukhopadhava end Kumud Bandhu Bal and others from making any further reproduction or printing or publication of the works entitled "Satyanusa-ran" "Chhande-Surey-Sabar-Jibon" and "Path-O-Patheo" or any of them or making any other or further copies or colourable imitation of the publications of the plaintiff No. 1 entitled "Satva-nusaran" "Anusruti" and "Alochona Prasangey" and from selling or disposing of by way of trade or offering for sale any copies of the said works or any other copies or colourable imitations of the said publications of the Plaintiff No. 1 Satsang till the disposal of this suit and for appointment of a receiver in respect of all manuscripts, proofs, and other originals of the said works in their possession till the disposal of the suit.

2. An interesting question of copyright law has been raised in this application. Are the works of a religious preacher himself in his own handwriting and the compilations of the discussions and sermons of a religious preacher made by the Society founded by him "literary works" within the meaning of the word "work" under the Copyright Act, 1957 ?

The religious preacher in this case is Anukul Chandra Chakrabartty known by his followers end disciples as "Sri Sri Thakur Anukul". He himself wrote a book "Satyanusaran" in his own hand as early as 1316 B. S. corresponding to 1910 A. D. recording some of hi-s religious teaching and precepts. The said book "Satyanusaran" was printed and published for the first time in the year 1919 and thereafter the same ran into several editions. Sri Sri Thakur Anukul also known as "Sri Sri Thakur" founded a society of religious brotherhood and charitable organisation consisting of his followers and disciples known as Sat-sang, sometime in the year 1925. This society was originally registered at Pabna but on 4th April 1951 fwhen Pabna was a part of the then East Pakistani it was registered at Calcutta under the Societies Registration Act, 1860.

The object of the society is to propagate and to give practical shape to the ideals and activities of Sri Sri Anukul Thakur. It owns and runs a publishing unit known as Satasang Publishing House at Deoghar.

3. During the lifetime of Sri Sri Thakur the discussions with the sermons given by the Thakur were compiled and the said compilations were published by a member of the said society Satsang on its behalf in the year 1949 under the name "Anusruti," Since 1949 the said book Anusruti was printed and published end further volumes of the said compilation Anusruti was published from time to time.

A volume which was produced before me being the second volume shows that these ere poetry or poetical expressions of Sri Sri Thakur. In the preface it is written that Sri Sri Thakur started delivering "Chhara" or "poetry" in the vear 1940 and continuously uttered those Charra or poetry or poetical expressions. There are numerous such expressions and some of them had been compiled in the second volume.

Similarly during the lifetime of Sri Sri Thakur the religious teachings and precepts of the Thakur were recorded by his followers who were members of Satsang. The same was printed and published by the Satsang through its press and publishing house. The name of this magazine is "Alochana". Thereafter, these writings were compiled in a book "Alochona Prosangev". This was printed and published by the Satsang and the last volume was printed and published in the year 1969.

The petitioner's case is that Satsang is the owner and/or the exclusive licensee of the copyright in the said publication viz.. "Satvanusaran" "Anusruti" and "Alochona Prosangey". The petitioners state that the respondents are infringing the copyright of the said works.

4. The defendant No. 1 Kiron Chandra Mukhopadbaya and the defendant No. 2 Kumud Bandhu Bal very recently published the book "Satyanusa-ran" written by Sri Sri Thakur Anukul Chandra. They also published two other books in the name of "Path-O-Patheo-Prosangey" which are mere quotations from some of the volumes of the books "Alochona Prosangey" and similarly they also published another book "Chhande Surey Sabar Jiban" reproducing in verbatim a substantial part of the publication "Anusruti".

The petitioners say that the defendants have infringed the copy-right of the petitioner "Satsang" in respect of the said works. There was an exclusive licence given by Sri Sri Thakur to Sri Amarendra Nath Chakrabartty his eldest son to publish his works viz., all books written by him and all books containing his teachings collected and compiled by his followers and his disciples being members of Satsang for the benefit of the said Satsang.

5. On November 13. 1971 notice was given by Mr. B. K. Sinha, Advocate, on behalf of the petitioners to the defendants Nos. 1 and 2 to refrain from infringement of copyright of the books of the plaintiff. On December 4, 1971. Mr. H. P. Ghosh, Advocate, for the defendants Nos. 1 and 2 replied to the said letter denying the statements contained in the said letter, but did not deal with the allegations contained in the said letter. It was further stated in the said letter that the defendants Nos. 1 and 2 are trying to procure materials on receipt of which they will send a reply dealing with allegations in the said letter of Mr. B. K. Sinha. Thereafter on December 15, 1971 there was another reminder given by Mr. B. K. Sinha to Mr. H. P. Ghosh but on January 6. 1972 Mr. H. P. Ghosh stated that they have already filed a suit in the second Court of Munsif at Sealdah.

6. Mr. Gouri Mitter, Advocate-General of West Bengal. Mr. A. K. Sen and Mr. Dipak Sen appeared before me for the plaintiffs, and, by consent Mr. A. K. Sen argued the matter for the plaintiffs, Mr. Sen submitted that these are literary works and original works of Sri Anukul Thakur. Literary works include also compilations. Copyright subsists in respect of these classes of works. Sri Sri Thakur himself was publishing these works for a lone time. Satsang was a society established by Thakur himself. Originally it was a society at Pabna (which subsequently formed part of the then East Pakistan) and since 1951 it is a registered society in India. Sri Sri Thakur himself in writing on November 15. 1957 gave exclusive licence to his son Amarendra Nath Ghakraborty to publish his works for and on behalf of and for the benefit of the Satsang, and Satsang is the exclusive licencee. A photostat copy of the licence by Sri Anukul Chandra Chakraborty (Sri Sri Thakur) was produced before me.

7. Mr. A. K. Sen placed before me a copy of the plaint in title suit No. 3(50 of 1971 filed by the defendants Kiron Chandra Mukhopadhaya and Kumud Bandhu Bal in the Second Court of Mun-sif at Sealdah on December 20, 1971, that is, after receipt of the two letters dated November 13, 1971, and December 4, 1971 on behalf of the plaintiff. The case of defendants Nos. 1 and 2 will appear from the plaint filed in Sealdah Court. In the plaint in the Sealdah Court the defendants stated as follows:

> (a) Sri, Sri Anukul Thakur was a great religious teacher. He is the founder of the famous religious organisation, known as "Satsang Pabna" which has its branches and offices in different parts of India and in many places of the world. Sri Sri Thakur passed away on January 27, 1967 at the age of 81.
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> (b) Sri Sri Thakur is worshipped by his millions of disciples as a prophet. Sri Sri Thakur made utterances which sounded like the holy sermons. Sri Thakur always opined that his sayings and the books containing them as also the properties of Satsang Pabna did not belong to any particular group. At the early age of 22 he put into writing in his own hand some of his sayings in a book in Bengali which he himself named as "Satyanusaran". This book, because of the universal nature of the truth contained in it, came to be read by his countless disciples and had undergone several editions.
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> (c) There was injunction by Sri Sri Thakur against any change in his savings. But as the book "Satyanusaran" underwent editions, there appeared changes, deviations and even distortions. There is one edition of the book, namely, seventh edition, published by Satsang Publishing House in the year 1345 B. S, This edition was specially characterised by the words "Parishodhita and Paribarjita".
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> (d) The sayings of Sri Sri Thakur cannot be tine personal property or asset of any group or any individual "either by inheritance, or by assignments or otherwise."
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> (e) The defendant No. 1 is the eldest son of Sri Sri Thakur Anukul Chandra. There are other sons and daughters of Sri Sri Thakur. The defendant No. 1 first published the above named book "Satyanusaran" in the year 1352 B. S. and marked it as 8th

edition. The defendant No. 1 subsequently published other books where he described himself as publisher. The last edition of "Satyanusaran" was published in the year 1971. In this edition there are certain distortions. It is claimed that the defendant No. 1 and defendant No. 2 have no right or claim on the book "Satyanusaran" or any other book containing the sermon of Sri Sri Thakur as their own either by inheritance or by assignment or otherwise, nor can they lay any claim on any of the assets or properties left by Sri Sri Thakur or belonging to Satsang, Pabna.

(f) Even if defendants Nos. 1 and 2 produced any document showing assignment or transfer of copyright to him by Sri Sri Thakur or anybody, such document is challenged by the plaintiff as not lawful or real.

(g) The plaintiff No. 1 Kiron Chandra Mukhopadhaya and plaintiff No. 2, Kumud Bandhu Bal were initiated by the Thakur in the prime of their youth and have dedicated their lives to the cause of the Thakur. They are shocked by the acts and conduct of the defendant No. 1. So they have published an edition of "Satyanusarna" in Bengali for the first time in 1373 B. S.

(h) The plaintiffs Nos. 1 and 2 begged money from the disciples of Sri SrS Thakur for the publication of the aforesaid book and defendant No. 3 Messrs. Eastern Printing Press published it at a minimum remuneration. As a result, it has been possible for the plaintiffs to distribute the copies of this book free of cost among the masses and to acquaint themselves with the preachings and sermons of Sri Sri Thakur.

(i) In publishing this edition the plaintiffs solely depended on the seventh edition of "Satyanusaran" because it was the only genuine edition.

(j) The case of the plaintiff is that -the defendant No. 1 in publishing a mutilated and distorted edition of the original "Satyanusaran" written by Sri Sri Thakur and in introducing metaphors therein according to his own whims and convenience, has profaned a sacred work of a great prophet and has caused anguish agony to his numberless disciples.

It is stated that for the above reasons the suit was filed and in the suit it is claimed that the editions "Satyanu-saran" published by defendant Nos. 1 and 2 including the 20th edition have deviated from the original writing of Sri Sri Thakur.

In the prayers in the said plaint the plaintiffs Nos. 1 and 2 (defendants Nos. 1 and 2 herein) prayed, inter alia.

(i) for declaration that the book named "Satyanusaran" of Sri Sri Thakur Anukul Chandra, now published by the plaintiffs Nos. 1 (Kiron Chandra Mukher-jee) and 2 (Kumud Bandhu Bal) and printed by defendant No. 3 (Eastern Publishing House) has been reprinted from the seventh edition of the same book that was published by

Satsang Publishing House in 1345 B. S. and this edition by the Plaintiffs has not been copied or reprinted in part or in full from any of the editions published by the defendant No. 1 (Amarendra Nath Chakrabortty).

(ii) that the defendant No. 1 (Amarendra Nath Chakraborty) has no right to print and publish an edition of "Satya-nusaran" reserving the copyright to himself in the way he has done in the editions published by him and that plaintiffs have right to print and publish the editions referred to above.

(iii) for a declaration that the editions of "Satyanusaran" published by the defendant No. 1 (Amarendra Nath Chakraborty) and/or defendant No. 2 (Satsangha Publishing House) including the 20th edition have deviated from the original written by Sri Sri Thakur Anukul Chandra.

(iv) for an injunction restraining the defendants (Amarendra Nath Chakra-bortty. Satsangha and Eastern Press) from circulating or selling the copies of the 20th edition of "Satyanusaran" published by the defendant No. 1 (Amarendra Nath Chakrabortty).

8. Mr. A. K. Sen cited (1916) 2 Ch 601 at P. 608. (University of London Press Ltd. v. University Tutorial Press Ltd.) and submitted that these works are literary works within the meaning of the words literary works in its Copyright Act 1957.

9. Mr. M. B. Sarkar appearing for the defendant Nos. 1 and 2 Kiron Chandra Mukhopadhaya and Kumud Bandhu Bal submitted that these works do not come within Section 13 of the Copyright Act. According to him these works are not original literary works. He submitted that Section 13 cannot be read independently of Sections 16 and 17 of the Copyright Act. His case is that these books are religious precepts of a "Guru" and any disciple of the "Guru" can publish these works, and as such Satsang has no right of publication. According to him, the religious teachings and precepts of a religious preacher are not "literary works" and the author has no copyright In respect of such works. He also submitted that there was no exclusive licence. He disputed the genuineness of the writing dated 15-11-1957, the photostat copy of which has been shown to me.

Mr. Sarkar, further submitted that the suit is not maintainable because copyright is not registered and as such no suit lies. In support of this contention he relied upon a decision of the Madhya Pradesh High Court . (M/s. Mishra Bandhu Karyalaya v. S'hivratanlal Koshal). He relied upon an observation by the learned Judge in this case, at page 267 which is as follows:

"The Indian Copyright Act 1914 had. nowhere made any provision for the registration of the copyrights. Under the Copyright Act. 1957, it appears that under Sections 13 and 45 the registration of book with the Registrar of Copyrights is a condition for acquiring copyright with respect to it. A plain reading of several provisions of the Act leaves no doubt in my mind that copyright in book now is only secured if it is an original compilation and has been duly registered accord-ing to the provisions of the

> 1957 Act. Once it is so registered the author is deemed to acquire the property rights in the book. The right arising from the registration of the book can be the subject-matter of civil or criminal remedy so that without it the author can have no rights nor remedies in spite of the fact that the work is an original one".

Mr. Sarkar next cited another decision , (V. Errabhadrarao v. B. N. Sarma). This is a suit under Hyderabad Copyright Act (2 of 1334 F). In the Hyderabad Act there is a clear provision that copyright in a book or drawing is only secured if it is an original compilation and has been duly registered according to the provisions of the Act.

Lastly. Mr. Sarkar contended that the nature of the document dated November 15, 1957 is not a licence because it is not addressed to anybody. In any event, it grants to Shri Amarendra Nath Chakraborty, the exclusive right by way of licence to print and publish the books and compilations thereof for the benefit of Satsang and therefore. Amarendra Nath Chakravarty should have been made a party.

10. The question is whether these works come within the meaning of "original literary works" under Section 13 of the Copyright Act. 1957? Under Section 2(y) of the said Act "work" means any of the following works, namely: (i) a literary, dramatic, musical or artistic work. The word "literary" has not been defined, but under Section 2(c) 'literary work' includes tables and compilations.

In (1916) 2 Ch 601, (University of London Press Ltd. v. University Tutorial Press Ltd.) it was held that papers set by examiners are 'literary works' within the meaning of Copyright Act, 1911. At page 608 of the judgment, Paterson. J. says "in my view, the words "literary work" cover work which is expressed in print or writing, irrespective of the question whether the quality or style is high. The word 'literary' seems to be used in a sense somewhat similar to the use of the word 'literature' in political or electioneering literature and refers to written or printed matter. Papers set by examiners are, in my opinion, 'literary work' within the meaning of the present Act".

This judgment has been followed by Romer. J. in 1925 Ch 383 (British Oxygen Co. v. Liquid Air Ltd.). In this case a letter" written by manufacturers to a trade-customer offering their goods at a low price if the customer agrees to take such goods exclusively from them, is an 'original literary work' within the meaning of Section 1, sub-section (1) of the Copyright Act, 1911 and the writers are entitled to copyright therein.

11. In Halsbury's Laws of England Third Edition Volume VIII, Article 690, page 376 it appears as follows: "Whereas the Copyright Act. 1842 gave protection to 'books' ,an expression which was defined as including a volume, part of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan, separately published, copyright under the Copyright Act, 1911, extends to all literary works, and the words 'literary work' cover work which is expressed in print or writing, irrespective of the question whether the quality or style is high, and are used in the sense of written or printed matter. The expression 'literary work' also includes maps, charts, plans, tables, end compilations. The change of description of the works to be protected brought about by the Copyright Act, 1911, from 'books' to 'literary works' has not cut down, or altered to his detriment, the rights of a

person claiming copyright.

The right which a person acquires in a work which is the result of his intellectual labours is called his copyright. The primary function of copyright law is to protect from annexation by other people the fruits of a man's work, labour, skill or taste. It is works that are protected and not ideas; if ideas can be taken without copying a work, the copyright owner cannot interfere. The Copyright Act mentions as among the subjects of copyright, novels and other 'literary works' maps, charts, plans, tables and compilations, all of which count as 'literary works' lectures, including addresses, speeches and sermons, plays, cinema films, pieces for recitation and so forth. Novels, plays, poems, paintings are absolutely protected. They must be original in the sense not being entirely copies of another similar works. In other words, they must originate from their authors. They must also be substantial enough to deserve the name of "works".

12. Mr. Sen cited (1872) 14 Eq 431, (Mack v. Petter). In this case, the plain-tiff, the publisher of a work which he claimed to have originated, called "The Birthday Scriputure Text Book", consisting of a printed diary interleaved, with a blank space opposite each day with a text of scriputure appended, and which was designed as a record of the birthdays of friends".

Lord Romilly, M. R. said at page 437 as follows:

> "I am of opinion that the plaintiff is entitled to an injunction. The defendants would be at liberty to publish a daily text book and so far to adopt the scheme of the plaintiff's work; but it was the plaintiff's own idea to have a text book associated with a birthday, and so to adopt it to those sentiments of religion with which most persons regard a day which marks the completion of another year of their lives. The plaintiff is entitled to a copyright in the use of the title, "Birth-day Text Book", whatever other words may be associated with it, and the defendants must be restrained from the publication of their work, and they are not entitled to publish a work with such a title, or in such a form as to binding or general appearances, as to be a colourable imitation of that of the plaintiff".

13. Having regard to the law on the subject, writings of a religious prea-cher, Sri Sri Thakur Anukul Chandra, or his sermons and sayings which are compiled by Satasang on his behalf would prima facie, come within the meaning of 'literary works' and would in my view, be protected under the Copyright Act.

In the instant case, before me, the defendants did not claim to have any right as licensee. Admittedly these works are original works, of Sri Sri Thakur Anukul Chandra. It is the result of the knowledge, labour, judgment, learning, skill, test, realisation and under-standing of Sri Sri Thakur Anukul Chandra. The compilations are also compilations of his teachings and his works. From the year 1910, these works were either published by Sri Sri Thakur Anukul Chandra himself or by Satsang at the wishes of Sri Sri Thakur Anukul Chandra. Before me, a writing from the Thakur was produced by which he gave exclusive licence to publish these books for the benefit of the society founded by him. The eldest son of Sri Sri Thakur, Shri Amarendra Nath Chakravorty is the Prodhan Acharya

and ex-officio President of the Society and the copies of the books which are shown to me are published by Shri Amarendra Nath Chakraborty and Satsang Publishing House. P. O. Satsana, Deoghar.

Although the rights of the parties would be decided finally in the suit, but I think that a prima facie case has been made out by the petitioners. The defendants dp not claim to have any independent right but their case is that plaintiffs have no right, indeed nobody has any right and, therefore, the defendants can make publications as disciple of their Guru.

Admittedly, the publications of the works of Sri Sri Anukul Thakur have been made very recently by the defendants. The letters placed before me written on behalf of the plaintiff which is annexed to the petition show that sometimes in 1971 the plaintiffs came to know that the defendants Nos. 1 and 2 are infringing the copyright of the plaintiff.

14. Now, I shall deal with the case , relied on by Mr. M. B. Sarkar.

With regard to the case , Mr. A. K. Sen pointed out that neither Section 13 nor Section 45 of the Copyright Act mentions that registration is compulsory, nor there is any section in 1957 Act, which provides, that unless there is registration the author of any works cannot bring an action for infringement of copyright. A plain reading of several sections of the Copyright Act. 1957 leaves no doubt in my mind that the conten-tion of Mr. Sen is correct. Under the Copyright Act 1957 registration is not compulsory. There is no section in the Copyright Act 1957, to the effect that the author can have no right or remedy un-less the work is registered. Section 13 of the Copyright Act provides that copy-right shall subsist throughout India in certain classes of works which arp enumerated in the section. Section 45 of the Act provides that the author or publisher of, or the owner of or other person interested in the copyright in any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar of Copyrights for entering particulars of the work in the Register of Copyrights. This section does not say that registration is compulsory. The learned Judges of Madhya Pradesh High, Court at p. 267 stated as follows: "We are, however, concerned with the state of law prevalent under the Imperial Copyright Act 1911 enacted by the British Parliament, subject to such modifications as stated in the Indian Copyright Act, 1914. It is necessary for us to deal with this aspect because the learned counsel for the appellant, during the course of his arguments obliquely suggested that the copyright of the book in question "Saral Middle School Ank Ganeet" not being registered, neither the author nor his assignee had any kind of right or remedy. The whole object of this discussion is to remove that misconception". The learned Judges further stated: "under the law relating to copyright, then prevalent to which we have already referred, namely. Imperial Copyright Act, 1911 as adopted and modified under the Indian conditions by the Indian Copyright Act, 1914 a person had an inherent copyright in on original composition or compilation without the necessity of its registration".

15. Mr. A. K. Sen also pointed out that the learned Judges of the Madhya Pradesh High Court referred to and accepted principles in (1914) 2 Ch 566 (567), (E. W. Savory Ltd. v. The World of Golf Ltd.). The head note of that case is:

> "In the case of a picture assigned with all copyrights, but not registered under the Fine Arts Copyright Act 1911, the owner of the picture has such a "copyright" as will enable him to receive the substituted and enlarged copyright given to owners of copyright in substitution for their existing rights by Section 5 and Sched. I of the Copyright Act. 1911".

It was argued in that case that the copyright in a picture was first created by the Act of 1862 and Section 4 of that Act provides that no proprietor of any copyright shall be entitled to the benefit of the Act until his copyright is registered. Artistic copyright was one of the benefits given by the Act of 1862 (25 and 26 Vict. C. 68). Until registration the plaintiffs had no copyright, but only an inchoate right to acquire it by registration. They could not therefore take the larger rights given by the Act of 1911.

At page 572 of the judgment Nevilie. J. said:

> "Therefore we have to ascertain whether the plaintiffs at the date of the passing of that Act were entitled to copyright. That throws us back upon consideration of the Act of 1862. The Act of 1862 gives copyright to the author or the vendee or assignee of any original painting and so on, and by Section 4 it is provided that no proprietor of any such copyright shall be entitled to the benefit of the Act until registration --that is a reference to registration under the Act of 1862 which is there provided for and no action shall be sustainable or any penalty be recovered in respect of anything done before registration. It is argued that the result of that provision is that at the date of passing of the Act of 1911 the plaintiffs had no copyright in the picture, because undoubtedly they had not registered, and I have to consider whether they had copyright. In my opinion they had. I think it would be strange to hold otherwise, because if I did I should be holding that the Act of 1911 was taking away from them a right which at that time they possessed, because had they chosen at that date to have registered their copyright they could have immediately afterwards sued anybody who infringed it, whereas by the Act of 1911 the whole machinery of registration was swept away and it is impossible to register, and consequently, unless the Act of 1911 took something away from them, they are entitled to something, and that something I take to be copyright".

16. Mr. A. K. Sen, submitted that under Section 4 of the English Statute 25 and 26 Vic. C. A. P. LXVIII which was an Act amending the law relating to copyrights in works of the fine arts and for repressing the commission of fraud in the production and sale of such works, there was a provision (mentioned in the said Act) that no proprietor of any such copyright shall be entitled to the benefit of this Act until such registration and no action shall be sustainable nor any penalty be recoverable in respect of anything done before registration. Mr. Sen submitted that there is no such provision in the Copyright Act 1957 and Section 45 of the Copyright Act 1957 merely makes registration of copyright optional.

17. In my view, the observations of the learned Judges in the Madhya Pradesh case to the effect; "under Copyright Act, 1957, unless copyright is registered the author will not acquire property right in the book and without it the author can have no rights and re-medies are observations in the nature of 'obiter dictum'. I have already expressed my view in the matter. With respect to the learned Judges, I do not find any such provision in the Copyright Act, 1957.

The other case cited by Mr. Sarkar which is can have no application under the facts of this case because, the Andhra Pradesh case deals with Hyderabad Copyright Act (2 of 1334F). In the Hyderabad Act, which is a different statute, there is clear provision that a copyright in a book or drawing is only secured if it is an original compilation and has been duly registered according to the provisions of the Act.

There is no such provision in the Copyright Act, 1957 (Act XIV of 1957), which is similar to Hyderabad Copyright Act, and, therefore, this decision cited by Mr. Sarkar has no application under the facts of this case.

18. With regard to the point taken by Mr. Sarkar that Shri Amarendra Nath Chakraborty should have been made a party, Mr. A. K. Sen has rightly pointed out that Shri Amarendra Nath Chakra-borty is the Prodhan Acharya or the ex-officio President of Satsang. In any event no suit shall be defeated by reason of misjoinder or non-joinder of parties. Parties may be added at any point of time if necessary or the plaint amended.

In the instant case, admittedly. 'Satyanusaran' is the work of Sri Sri Anukul Thakur. It was published by Satsang Publishing House. The other works are compilations made by Satsang or by a member of Satsang and, admittedly, the works were published by Satsang for a long time. Satsang claims to be the owner and/or exclusive licensee. If Satsang is the owner or exclusive licensee the matter ends. If Satsang is not the owner or exclusive licensee then the copyright of the author devolves on his death upon his heirs. These are matters which would be decided in the suit. In any event, the defendants who are two of the disciples of Sri Sri Anukul Thakur did not prove that they have any right in respect of the aforesaid works. Their grievance is that there were distortions in the works and they were mentally shocked. Prima facie, I do not think that there is any right of the defendants to make separate publications and I cannot allow continuation of publications of the said works by the defendants.

19. In the premises, I shall grant interlocutory injunction as prayed in the petition. There will be order in terms of prayer (a) of the petition. I shall also appoint the defendants Nos. 1 and 2 receivers in terms of prayer (b) of the petition without remuneration and without security. They will hold all unpublished copies, keep an account of the same and produce all accounts relating to the same at the time of the trial.

20. Costs of this application will be the costs in the cause.