



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2024

CORAM:

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

C.S. (Comm. Div.) No.20 of 2023

Sun TV Network Limited,
Represented by its Authorised Signatory,
M.Jyothi Basu
Having regd. Office at
Murasoli Maran Towers,
No.73, MRC Nagar Main Road,
MRC Nagar,
Chennai – 600 028.

... Plaintiff

Vs.

Cheekati Vidya Sagar
Proprietor, Vani Venkataramana Cinemas
“V Cinemas”
50-93-3/2/23, Srinivasa Residency,
F4, Santhipuram, Near Sai Baba Temple,
Visakhapatnam,
Andhra Pradesh – 530 016.

... Defendant

Civil Suit is filed under Order IV Rule 1 of the Original Side Rules and Order VII Rule 1 Civil Procedure Code read with Sections 51, 55 and 62 of the Copyright Act, 1957 and Section 7 of the Commercial Courts Act, 2015, praying for a judgment and decree against the defendant:



a) a permanent injunction restraining the defendant from re-releasing, broadcasting, making available, in any form or manner whatsoever, through any mode or medium, either himself or through distributors, stockiest, servants, agents, retailers, representatives, sister concerns, affiliates or any other persons claiming under / through him in any manner, which infringes the plaintiff's copyright in and to the subject film as obtained by the plaintiff through Complaint Document No.2 either per-se or in any manner thereof either in Telugu or any other language or in India or any part of the world whatsoever;

b) a permanent injunction restraining the defendant, his distributors, stockiest, servants, agents, retailers, representatives, sister concerns, affiliates or any other person claiming under / through him in any manner in engaging with, dealing with, publishing and circulating the Subject Film and infringing the Copyright owned and as obtained by plaintiff through Complaint Document No.2 either per-se or in any manner thereof either in Telugu or any other language or in India or any part of the world whatsoever;

c) a permanent injunction restraining the defendant, his distributors, stockiest, servants, agents, retailers, representatives, sister concerns, affiliates or any other person claiming under / through them from in any manner hosting, promoting, marketing and circulating any marketing and / or promotional material in any form or media either digital or print or whatsoever in respect of the Subject Film and / or any content thereof which is protected by the Copyright owned solely by plaintiff by virtue of Complaint Document No.2 either directly and / or indirectly either per-se or in



combination either in Telugu or any other language or in India or any part of the world whatsoever;

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d) a permanent injunction restraining the defendant his distributors, stockiest, servants, agents, retailers, representatives, sister concerns, affiliates or any other person claiming under / through them from entering into any arrangement, agreement or understanding with any entity for exploiting the subject film in any form or manner whatsoever via any mode or medium, without procuring prior written license / authorization from the plaintiff who is the sole and exclusive owner of copyright in and to the subject film;

e) the defendant be ordered to surrender and deposit before this Court all infringing versions of the plaintiff's copyrighted subject film including any and all promotional and marketing material thereto, unauthorizedly or any media whether digital or physical present in any part of India or the world whatsoever;

f) a preliminary decree be passed in favour of the plaintiff directing the defendant to render account of profits made by unauthorizedly engaging and disclosing all commercial transactions related to the plaintiff's protected copyright subject film entered into by the defendant or his distributors, stockiest, servants, agents, retailers, representatives, sister concerns, affiliates or any other person claiming under / through him for the purposes of the intended unauthorized re-release of the plaintiff's copyrighted subject film;

g) costs of the suit.



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For Plaintiff : Mr.Rahul Balaji

For Defendants : Set *ex parte* on 15.12.2023

JUDGMENT

The plaintiff has filed this Civil Suit seeking *inter alia* a permanent injunction to restrain the defendant from infringing plaintiff's copyright in respect of the film “Badri” owned solely by plaintiff by way of a re-release and broadcasting as widely promoted by defendant in various theatres as publicised by posters, or in any manner whatsoever without any license or authorization from the plaintiff whatsoever and without complying with the license conditions imposed under the Copyright Act, 1957.

2. The case of the plaintiff is that the plaintiff is a leading media company in India and runs several television channels in various languages. The plaintiff is also a reputed production house and broadcaster involved in *inter alia* the business of production and distribution of movies and enjoys a very high reputation amongst its viewers.

2.1 Vide order dated 27.03.2007 passed by this Court in Comp. Petn.



No.25 to 27 of 2007, Gemini TV Private Limited and Udaya TV Private Limited and the plaintiff company were amalgamated and merged to form the plaintiff company. By a registered Assignment Deed dated 09.08.2004, M/s.Vijayalakshmi Art Movies, the producer of the film “Badri”, had assigned all rights, title and interest to the said Telugu language motion cinematographic film “Badri” including all exploitation rights, via all modes, media and formats for the territory of the entire world and for a period of 99 years from September, 2009 to the Assignee “Gemini TV Private Limited”. According to the said order of this Court dated 27.03.2007, the rights currently vest with the plaintiff as the successor-in-interest and title of the assignee for the remaining entire term and territory. The plaintiff claims that the rights in and to the subject film including the right to exploit the copyright of the said film rested and continues to rest solely with the plaintiff alone since the plaintiff became the owner of the subject film and enjoys it copyright under Section 14 of the Copyright Act.

2.2 It is the case of the plaintiff that the defendant, through his proprietary concern “Vani Venkataramana Cinemas” or “V Cinemas”, has extensively promoted and advertised the re-release of the subject film and the



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action / proposed unauthorized and illegal theatrical release of the subject film by the defendant amounts to infringement of the plaintiff's copyright in and to the subject film "Badri. The plaintiff states that since the defendant has substantially and commercially exploited the subject film and infringed the plaintiff's copyright by unauthorizedly creating, circulating and publishing unlicensed and unauthorized posters of the film, this Court should grant an order of permanent injunction restraining the defendants from doing such action.

3. Despite notice being served on the defendant, they have not chosen to contest the matter. Hence, the defendant was set *ex parte* by this Court on 15.12.2023.

4. The plaintiff has recorded the *ex parte* evidence. The authorised signatory of the plaintiff is examined as P.W.1. He had also filed a proof affidavit reiterating the contents of the plaint filed in support of this suit. Through PW1, 6 documents have been marked as Exs.P1 to P6. Ex.P1 is Original Board Resolution dated 29.05.2015. Ex.P2 is the Photocopy of the Registered Assignment Deed dated 09.08.2004. Ex.P3 is the Certified copy



of the Hon'ble High Court order allowing Amalgamation dated 27.03.2007.

Ex.P4 is the photocopy of the news paper article. Ex.P5 is the photocopy of the promotional posters promotion the re-release of the subject film. Ex.P6 is the photocopy of the communication to distributors dated 24.01.2023.

5. The defendant neither challenged the averments in the plaint nor challenged the proof affidavit of the plaintiff. Upon hearing the learned counsel for the plaintiff and on analysis of the above oral and documentary evidence adduced on the side of the plaintiff, it is clear that the plaintiff has proved its case.

6. In view of the same, the Civil Suit is decreed with costs.

25.06.2024
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Plaintiff's witness: P.W.1 – Mr.M.Jyothi Basu

Defendants' witness: Nil

Documents exhibited by the plaintiff:

SNo	Exhibit	Description of the document
1	Ex.P1	Original Board Resolution dated 29.05.2015.
2	Ex.P2	Photocopy of the Registered Assignment Deed dated 09.08.2004.
3	Ex.P3	Certified copy of the Hon'ble High Court order allowing Amalgamation dated 27.03.2007.
4	Ex.P4	Photocopy of the news paper article.
5	Ex.P5	Photocopy of the promotional posters promotion the re-release of the subject film.
6	Ex.P6	Photocopy of the communication to distributors dated 24.01.2023

Documents exhibited by the Defendant: Nil

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P.VELMURUGAN, J.

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