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Civil Suit (Comm.Div.) No.181 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2024

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THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Civil Suit (Comm.Div.) No. 181 of 2023

M/s.Bharani Pictures Private Limited
Rep.by its Manager Ramakrishna Bhatt
S/o.Late A.Narayana Bhatt
No.57, N.S.K.Salai, formerly Arcot Road,
Saligramam, Chennai – 600 093. ... Plaintiff

Vs.

Narne Media Solutions Pvt.Ltd.
Flat No.203, Rekha Deluxe Enclave Sangeeth Nagar
Somajiguda, Hyderabad TG 500 082. ... Defendant

Civil Suit has been filed under Sections 55 and 62 of Copyright Act, 1957 read with Order IV Rule 1 of High Court Original Side Rules and Order VII Rule 1 of the Code of Civil Procedure, prays for a judgment and decree in favour of the plaintiff

a) for the relief of declaration, declaring that the plaintiff is the absolute copyright owner in the suit films morefully described in the schedule hereunder as Item 1 to 21 having the rights of distribution,



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exhibition, exploitation rights, inclusive of commercial, non-commercial, non-theatrical medias, world Television rights, world Video rights, world Satellite rights, Pay TV, Pay per view, Cable TV rights, DVD, VCD, LD, Internet and web based technology rights DTU (Direct to User) and DTH (Direct to Home) rights, and all other rights in whatsoever manner including the future scientific advancement and technological rights for the territories of entire world including India in respect of the suit films.

b) granting permanent injunction restraining the defendant his agents, servants, each and every person or persons in any manner interfering with infringing the plaintiff's copyright in the suit films morefully described in Items 1 to 21 in the schedule hereunder inclusive of commercial, non-commercial, non-theatrical medias, world Television rights, world Video rights, world Satellite rights, Pay TV, Pay per view, Cable TV rights, DVD, VCD, LD, Internet and web based technology rights DTU (Direct to User) and DTH (Direct to Home) rights, and all other rights in whatsoever manner including the future scientific advancement and technological rights in respect of the suit films.



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e) direct the defendant to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the plaintiff together with interest at 12% p.a. from the date of plaint till the date of realization;

d) costs of the suit.

For Plaintiff : Mr.V.Praveen Kumar

For Defendants : Set *ex-parte* on 05.10.2023

J U D G M E N T

This Civil Suit has been filed seeking for the relief of declaration, declaring that the plaintiff is the absolute copyright owner in the suit films morefully described in the schedule hereunder as Item 1 to 21 having the rights of distribution, exhibition, exploitation rights, inclusive of commercial, non-commercial, non-theatrical medias, world Television rights, world Video rights, world Satellite rights, Pay TV, Pay per view, Cable TV rights, DVD, VCD, LD, Internet and web based technology rights DTU (Direct to User) and DTH (Direct to Home) rights, and all other rights in whatsoever manner including the future scientific



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advancement and technological rights for the territories of entire world including India in respect of the suit films, for permanent injunction restraining the defendant his agents, servants, each and every person or persons in any manner interfering with infringing the plaintiff's copyright in the suit films morefully described in Items 1 to 21 in the schedule hereunder inclusive of commercial, non-commercial, non-theatrical medias, world Television rights, world Video rights, world Satellite rights, Pay TV, Pay per view, Cable TV rights, DVD, VCD, LD, Internet and web based technology rights DTU (Direct to User) and DTH (Direct to Home) rights, and all other rights in whatsoever manner including the future scientific advancement and technological rights in respect of the suit films and direct the defendant to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the plaintiff together with interest at 12% p.a. from the date of plaint till the date of realization and also for suit costs.

2.The brief facts of the plaint are as follows :

a) In the year 1948 Dr.P.Bhanumathi Ramakrishna and her husband



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Shri P.S.Ramakrishna Rao started a Partnership firm in the name and style 'Bharani Pictures' and produced several Telugu and Tamil films. Thereafter, a partnership deed was executed between P.S.Ramakrishna Rao, Dr.P.Bhanumathi and Dr.Paluvai R.Bharani on 17.08.1970. The plaintiff is the copyright holder of the Telugu films more fully described in Item Nos.1 to 21 in the schedule annexed in the plaint.

b) After the demise of P.S.Ramakrishna Rao, yet another partnership deed between Dr.P.Bhanumathi Ramakrishna and Dr.Paluvai R.Bharani was executed on 27.11.1986 to carry on and continue the business of the production of cinematographic films/pictures. Subsequently, a reconstitution partnership deed was executed between Dr.Paluvai R.Bharani, Dr.P.Bhanumathi Ramakrishna, Bridget Bharani Paluvai, Dr.Meenakshi Bharani Paluvai and Venkatesh Bharani Paluvai on 25.01.2005. After the demise of Dr.P.Bhanumathi Ramakrishna, again a Deed of Partnership dated 13.01.2006 was executed between the remaining partners.

c) It is further stated that the present Director of the plaintiff/Company is a practicing Doctor in the United States of America



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and hence he could not attend to all works connected with the suit films as he is away for many years. The then Director of the plaintiff / Company Dr.Bhanumathi Ramakrishna was pre-occupied with her other works and she did not attend to the matters relating to copyrights in the films produced by the family partnership firm. After her demise, a set of individuals sought to infringe the plaintiff's copyright in the suit films and forged her signatures in the material documents.

d) While that being so, with a view to include Ramakrishna Bhanumathi Family Trust and Mrs.Radhika Kylasam in the firm Bharani Pictures, a reconstitution deed was executed on 04.01.2015 between Dr.Paluvai R.Bharani, Bridget Bharani Paluvai, Dr.Meenakshi Bharani Paluvai, Venkatesh Bharani Paluvai, M/s.Bharani Hospital Private Limited, Ramakrishna & Bhanumathi Family Trust and Mrs.Radhika Kylasam. Thereafter, the Bharani Pictures Partnership Firm became Bharani Pictures Private Limited and subsequently, the same was registered vide Registration No.72 of 2015 and certificate of incorporation of the plaintiff/Company was accorded by the Ministry of Corporate Affairs, Government of India on 22.04.2015. Subsequently, the



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said firms rights and liabilities got transferred by operation of law i.e., from the partnership firm to that of the Bharani Pictures Private Limited. Thus, the plaintiff/Company came to own all the copyrights in the films produced by the erstwhile partnership firm Bharani Pictures. Further, the plaintiff has not assigned the copyright in the aforesaid films in favour of any party much less to the defendant. While that being so, it came to the knowledge of the plaintiff that the defendant has been telecasting the suit films at regular intervals in various television channels and in other electronic modes. However, the plaintiff did not watch any such illegal telecasting by the defendant, but only came to know about from the market circles.

e) Hence, the plaintiff caused a paper publication on 17.08.2016 in Telugu daily 'Andhra Prabha' having circulation in the State of Andhra Pradesh and Telangana, confirming that the plaintiff Company M/s.Bharani Pictures Private Limited is the owner of the copyright in the suit schedule films and they have not assigned the copyright to any third party. Subsequently, the plaintiff issued a legal notice to the defendant on 28.02.2019 to stop the illegal telecasting of the suit films in the



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television channels including in the internet via YouTube. Despite legal notice and paper publication, the defendant did not stop their acts of infringement of the plaintiff's copyrights in the suit films thus exposing themselves and making them liable for damages to be paid to the plaintiff. Hence, the present suit has been filed for the prayer stated supra.

f) It is further stated that with respect to the same cause of action, the plaintiff filed a suit in C.S.No.382 of 2019 and the same was withdrawn by the plaintiff on 30.07.2021 with liberty to institute a fresh suit in respect of the same cause of action. Thereafter, the plaintiff has issued a legal notice to the defendant on 03.11.2021. However, the defendant neither responded to the said legal notice nor had they stopped telecasting the suit films.

3. Despite the defendant has been duly served and their name was printed in the cause list, there was no appearance, either in person or through counsel, and hence, the defendant was set *ex-parte* by this Court on 05.10.2023.



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4. On the side of the plaintiff, the Finance Manager of the plaintiff/Company, Mr.Ramakrishna Bhatt was examined as P.W.1, and he has reiterated the averments made in the plaint and also marked 21 documents as Exs.P1 to P21.

5. Heard the learned counsel appearing for the plaintiff and perused the materials available on record.

6. On a perusal of the plaint averments, Proof Affidavit of the plaintiff and documents marked on behalf of them, this Court finds that the suit claim is proved by the plaintiff, and hence, the plaintiff is entitled to the decree as sought for in the suit. Accordingly, the suit is decreed as prayed for, with costs. Consequently, connected pending applications, if any, are closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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List of Witness examined on the side of the plaintiff

Ramakrishna Bhatt - PW1

List of documents marked on the side of the plaintiff

SL. No	Exhibits	DESCRIPTION OF DOCUMENTS	DATED
1.	P1	Photocopy of the Deed of Partnership executed between Srimati Paluvai Bhanumathi and Paluvai Ramakrishna Rao	25.03.1948
2.	P2	Photocopy of the Partnership Deed executed between P.S.Ramakrishna Rao, P.Bhanumathi and P.R.Bharani	17.08.1970
3.	P3(Series) (21 Nos)	Photocopy of the censor certificate issued by the Central Board of Film Censor.	
4.	P4	Photocopy of the Partnership Deed executed between P.R.Bharani and P.Bhanumathi	27.11.1986
5.	P5	Photocopy of the Partnership Deed executed between P.R.Bharani and P.Bhanumathi, Bridget Paluvai, Meenakshi Paluvai and Venkatesh Paluvai	25.01.2005
6.	P6	Photocopy of the deed of partnership executed between Dr.Paluvai R.Bharani, Bridget Bharani Paluvai, Dr.Meenakshi Bharani Paluvai and Venkatesh Bharani Paluvai	13.01.2006
7.	P7	Photocopy of the reconstitution deed executed between Dr.Paluvai	04.01.2015



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		R.Bharani, Bridget Bharani Paluvai, Dr.Meenakshi Bharani Paluvai and Venkatesh Bharani Paluvai and M/s.Bharani Hospital Private Limited	
8.	P8	Photocopy of the certificate of incorporation of M/s.Bharani Pictures Pvt.Ltd.,	22.04.2015
9.	P9	Office copy of the letter issued by the plaintiff to the defendant	28.06.2016
10.	P10	Certified copy of the paper publication in Telugu daily Andhra Prabha having circulation in the State of Andhra Pradesh and Telengana, along with translation copy	17.08.2016
11.	P11	Photocopy of the legal notice issued by the plaintiff's counsel to the defendant along with acknowledgment card	28.02.2019
12.	P12	Photocopy of the film chamber of commerce certificate issued by The South Indian Film Chamber of Commerce	06.03.2019
13.	P13	Photocopy of the resolution passed at the meeting of the Board of Directors	16.03.2019
14.	P14	Photocopy of the plaint filed by the plaintiff in C.S.No.382 of 2019	28.03.2019
15.	P15	Printout of the order passed in Appl.No.2205 of 2021 and C.S.No.382 of 2019 in the High Court at Madras	30.07.2021
16.	P16	Office copy of the legal notice issued by the plaintiff's counsel to the defendant along with Acknowledgment card	03.11.2021
17.	P17	Printout of the screen shot of the defendant's YouTube channel in the	



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		name of Studio One along with 65B certificate	
18.	P18	Printout of the screen shot of the plaintiff's copyright movies telecasted in YouTube by the defendant along with 65B certificate	
19.	P19	Original Pen Drive containing video and Audio of plaintiff's movies telecasted in YouTube by the defendant along with 65B certificate	
20.	P20	Certified copy of the common counter filed by the defendant in Application for recall and reopen of plaintiff's side evidence filed by the plaintiff in C.S.No.382 of 2019	
21.	P21	Printout of the details of various media companies incorporated by the defendant companies director and other family members along with 65 B certificate	

List of witnesses examined on the side of the defendant : Nil

List of documents marked on the side of the defendant : Nil

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P.VELMURUGAN, J

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