



WEB COPY

OA No. 631 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

OA No. 631 of 2026
and O.A.No.632 & 633 of 2026
and Arb.Appln.Nos.1280 to 1282 of 2026

1. Sudha Kongara
W/o Kongara Nagarjuna Siva Prasad
aged about 50 years, Indian national,
residing at 2A Sreshta Paranthaman,
46 Poes Garden, Gopalapuram,
Chennai 600 086,
(PAN ABJPS9036J)
2. Undertow Professional Services Private Limited
(doing business as “Meenakshi Cinemas”),
having its registered office at
Flat 121 Srinivasam Rowfin Estate,
Bhargavi Nagar Chinnaoutupalli,
Gannavaram, Krishna District,
Andhra - Pradesh 521 286.

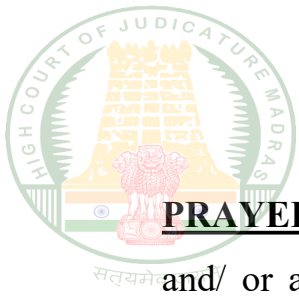
and business address at:
2A Sreshta Paranthaman, 46 Poes Garden,
Gopalapuram, Chennai – 600 086.

..Applicant(s)

Vs

Dawn Pictures Private Limited
(formerly known as Akra Entertainment Private
Limited), a company incorporated under the
Companies Act, 2013, (PAN ABACA7995G),
having its registered office at Old No.5 & 7,
New No.3 & 4, La Gracia, Flat No.B-1, 1st floor,
Kavingar Bharathidasan Road, Teynampet,
Chennai - 600 018.
Represented by its Managing Director,
Mr.Akash Baskaran

..Respondent(s)



PRAYER:- Original Application filed pass an order of ad-interim injunction and/ or attachment before judgment restraining the Respondent, its directors, agents, and nominees, from releasing the film '**Idhayam Murali**' (scheduled theatrical release 10.07.2026, Netflix as OTT partner) in any manner whatsoever, and directing that such revenues be deposited in a designated escrow account or before this Honble Court, as security for the satisfaction of any arbitral award that may be passed in favour of the Petitioners, pending disposal of the arbitral proceedings.

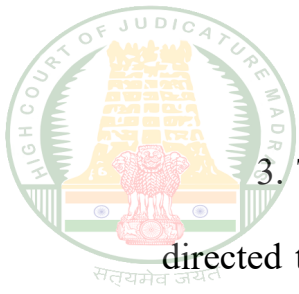
For Applicant(s): Mr.Nithayesh Nataraj
for Mr.Vaibhav R Venkatesh

For Respondent(s): Mr.Arvinth Pandian
Senior Counsel
for Mr.Arun

ORDER

Today, these matters have been listed under the caption for being mentioned at the instance of the learned counsel for the applicants and would submit that the application for injunction for release of the film relates to O.A.No.631 of 2026 and not O.A.No.633 of 2026 and similarly the application in O.A.No.631 of 2026 had been wrongly shown in the matter where an Arbitrator was appointed by the consent of the respective parties.

2. Heard the learned counsels appearing on either side.



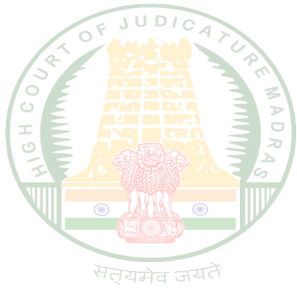
3. The error that had been crept in the order is noted and the Registry is directed to correct the following errors in the both the order dated 10.07.2026 and issue a fresh order copy

*a) In order dated 10.07.2026 in **O.A.No.633 of 2026** in the cause title the **numerical 633 shall stand deleted** and numerical 631 shall be incorporated. Similarly, in prayer portion of the order, the **prayer of O.A.No.631 of 2026 shall be incorporated by deleting the prayer as incorporated in the order.***

*b) In order dated 10.07.2026 in **O.A.Nos.631 & 632 of 2026** and Arb.Appln.Nos.1279 to 1282 of 2026, the **numerical 631 in the cause title shall stand deleted and replace the same with numerical 633** and the **prayer as shown in the order shall also stand deleted** and the **prayer in O.A.No.633 of 2026 shall stand reflected.***

14-07-2026

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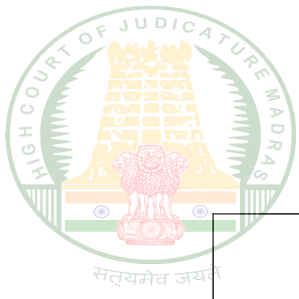


K.KUMARESH BABU, J.

GBA

OA No. 631 of 2026
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RESERVED ON
08.07.2026PRONOUNCED ON
10.07.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

OA Nos. 631 & 632 of 2026
and Arb.Appln.Nos.1279 to 1282 of 2026

OA Nos. 631 of 2026

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Represented by its Managing Director,
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PRAYER:- Original Application filed pass an order of ad-interim injunction and/ or attachment before judgment restraining the Respondent, its directors, agents, and nominees, from releasing the film '**Idhayam Murali**' (scheduled theatrical release 10.07.2026, Netflix as OTT partner) in any manner whatsoever, and directing that such revenues be deposited in a designated escrow account or before this Honble Court, as security for the satisfaction of any arbitral award that may be passed in favour of the Petitioners, pending disposal of the arbitral proceedings.

For Applicant(s): Mr.Nithayesh Nataraj
for Mr.Vaibhav R Venkatesh

For Respondent(s): Mr.Arvinth Pandian
Senior Counsel
for Mr.Arun

COMMON ORDER

A query was raised by this Court as to whether there has been exchange of Section 21 notices between the parties.

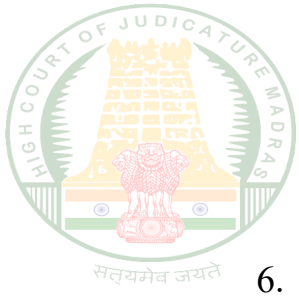
2. Learned counsel appearing for the applicants would submit that they had issued Section 21 notice and the learned Senior Counsel on instructions would submit that they are in receipt of the same.



3. The Court had suggested for appointment of the sole Arbitrator to resolve the disputes between the parties and the learned counsel appearing for the applicants would submit that they would not have any objection to the matter being referred to the arbitration. The learned Senior Counsel appearing for the respondents on instructions would submit that they also agree to waive the formalities and subject themselves to the arbitration for resolution of the disputes at the earliest. In such view of the matter, this Court is of the view that the above captioned applications can also be dealt with by the arbitrator to be appointed by this Court.

4. Accordingly, this Court appoints Hon'ble **Mr. Justice R.Subramanian, (Mobile No.98402 99941 & 94440 94402) residing at No.6/29, Flat No.1B, Vishwanath Apartments, 5th Main Road, RA Puram, Chennai – 600 028**, as Sole Arbitrator and is requested to enter upon the reference and resolve the disputes between the petitioner and the respondent. The learned Sole Arbitrator is entitled to fix his fees.

5. The applicant is also at liberty to move the relief sought for in the above captioned applications by invoking Section 17 of the Arbitration and Conciliation Act and in that regard, this Court requests the learned Sole Arbitrator to endeavour to decide the same as expeditiously as possible.



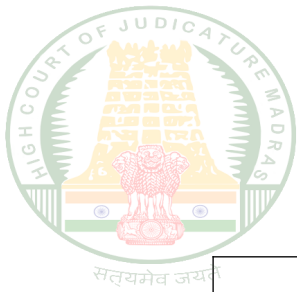
6. With the above said liberty, these Applications stands closed.

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However, there shall be no order as to costs.

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
GBA

10-07-2026
(1/2)



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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

OA No. 633 of 2026

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Represented by its Managing Director,
Mr.Akash Baskaran ABJPS9036J



..Respondent(s)

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PRAYER:- Original Application filed to pass an order of ad-interim injunction restraining the Respondent from alienating, transferring, assigning, mortgaging, hypothecating, licensing or in any manner creating third-party rights in or over the Film “Parasakthi” or its intellectual property (including the Final Screenplay and all derivative works) pending the final award in the arbitral proceedings.

For Applicant(s): Mr.Nithayesh Nataraj
for Mr.Vaibhav R Venkatesh

For Respondent(s): Mr.Arvinth Pandian
Senior Counsel
for Mr.Arun

ORDER

The present Original Application has been filed to grant an order of ad-interim injunction restraining the Respondent from alienating, transferring, assigning, mortgaging, hypothecating, licensing or in any manner creating third-party rights in or over the Film 'Parasakthi' or its intellectual property (including the Final Screenplay and all derivative works) pending the final award in the arbitral proceedings.

2. Heard Mr.Nithayesh Nataraj, appearing for Mr.Vaibhav R Venkatesh, learned counsel for the applicants and Mr.Arvinth Pandian, learned Senior Counsel for Mr.Arun, learned counsel for the respondent.

3. Learned counsel appearing for the applicants would submit that the



applicant had earlier entered into a Director Agreement with one 2D Entertainment Private Limited for production of the untitled film with its lead role as R.S.Suriya as early as on 30.06.2021. Under the said Agreement considerations were fixed by which a consolidated remuneration of Rs.12,50,00,000/- (Rupees Twelve Crores and Fifty Lakhs Only) in four instalments were to be made to the applicants. Thereafter, in view of the agreement between the parties therein, the applicants had entered into an agreement with the respondent on 02.07.2024 for the said film with the lead role as Sivakathikeyan. Under the said Agreement, the first applicant was entitled for total remuneration of Rs.15,00,00,000/- (Rupees Fifteen Crores) and on such payment, the respondent was entitled for the intellectual property rights in the said film. However, the payments as agreed upon between them had not been paid and aforesaid film which was later titled as **“Parasakthi”** had been released including the theatres and OTT platform. He would submit that the satellite release is yet to be made. Notices were exchanged through E-mail for the unpaid balances and even as of today, the respondent had not made good the payments due to the applicants.

4. He would submit that the respondent being a new entity which came into being only in the year 2024 do not have any assets and to protect the interest of the applicants it would be just and necessary that the film named **“Idhayam Murali”** that had been produced by the respondent which is to be



released should be injuncted from being released without making the payment to the applicants. He would submit that in reply to a mail whereupon the respondent was called for to make the due payments, the respondent had alleged that it had incurred substantial losses in view of the delayed release of the film **“Parasakthi”** and had proposed a collaboration with the applicants for a new film project which would be also taken into consideration for release of the pending disputes. However, without engaging the applicants, the respondent had produced a new film and is attempting to release the same and if the same is released, the applicant would be put to irreparable loss and undue hardship and hence, seeks this Court to grant injunction as prayed for.

5. Countering his arguments, Mr.Arvinth Pandian, learned Senior Counsel appearing on behalf of the respondent on the other hand would contend that the sequence of the agreements that had been placed on record by the applicants would itself would indicate that the film **“Parasakthi”** was not produced on the basis of the agreement that had been referred to by the applicants dated 02.07.2024. He would submit that on the date of said Agreement, the applicants were already bound by an Agreement with a third party under Agreement dated 30.06.2021. The applicants without any right in the said film had entered into the agreement that the applicants thereafter on 20.12.2024, an Agreement was entered between the applicants, respondent and the earlier producer namely 2D Entertainment Private Limited wherein the

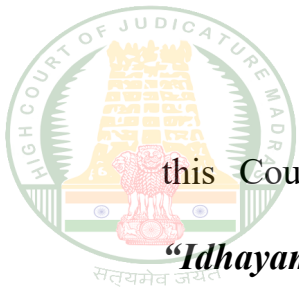


rights for production was vested upon with the respondent and the respondent have also agreed to engage the services of the applicants for production of the said film. He would specifically submit that under the Agreement it had been agreed by the applicants that the amount that had been agreed between them and the earlier producer and paid to them to be acknowledged as full and final settlement for the role to be played in the production of the said film and in that regard, he would submit that the applicants are not entitled for the monies as claimed by them and that they do not have any right in the intellectual property of the said film whatsoever is available therein.

6. Further, he would submit that no warranty/ guarantee had been given by the respondent that the new film would be a charge over the alleged dues claimed by the applicants and in that regard, he would submit that the applicants would not be entitled for an injunction as prayed for. Hence, he seeks dismissal of the above application.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

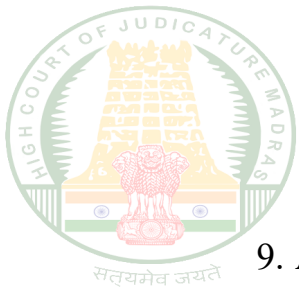
8. The present application had been filed along with various other applications seeking for interim relief under Section 9 of the Arbitration and Conciliation Act. In view of the consent that had been expressed by the parties



this Court had appointed an Arbitrator. However, in view that the film **“Idhayam Murali”** is to be released on 10.07.2026, the present application was de-tagged from the said batch and is being dealt with by this order.

9. It is not disputed that the service of the applicants were engaged with a defined scope of work under an Agreement with one 2D Entertainment Private Limited as early as in the year 2021. Disputes with regard to the payment of consideration under a new Agreement between the parties is the primordial reason for which the present application had been taken out. In that regard, the present application which had been taken out is in the nature Order XXXVII Rule 5 application.

10. It is to be noted that the applicant had also taken out an application in Arb.Appln.No.1279 of 2026 wherein he had sought for a direction to direct the respondent to deposit a sum of Rs.8,39,00,000/- (Rupees Eight Crores Thirty Nine Lakhs only) together with interest at the rate of 12% per annum from 08.02.2026 till the date of such deposit so as to secure the claim amount pending the Award of the Arbitral Tribunal. In view of the appointment of Arbitrator by even dated order today in other Applications that had been filed along with the present application, this Court had closed the same with liberty to the applicants to move the learned Arbitrator by invoking Section 17 of the Arbitration Act.



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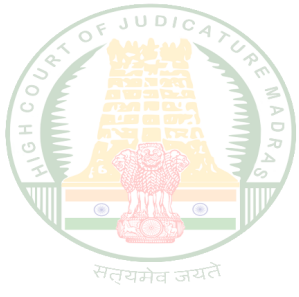
9. As rightly pointed out by the learned Senior Counsel appearing for the respondent except for a E-mail wherein a proposal was made by the respondent to engage the services of the applicants in a future film, there has been no charge over the new film that is to be produced by the respondent. In that regard, it is also to be noted that any injunction of the release of the film in which a third party interest have also been created would affect the interest of such third parties and therefore, this Court is of the *prima facie* view that the balance of convenience would only be in favour of the respondent in refusing to grant the injunction.

10. For the aforesaid reasons, the present Application stands dismissed. However, there shall be no order as to cost.

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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OA No. 631 of 2



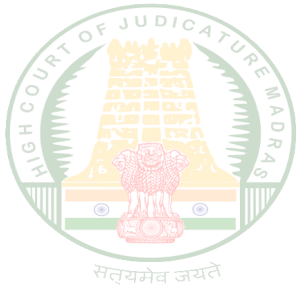
K.KUMARESH BABU, J.

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OA No. 633 of 2026

**10-07-2026
(2/2)**

K.KUMARESH BABU, J.



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