

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2015

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

CIVIL SUIT No.284 of 2015

M.C.Sekar

... Petitioner

Vs

1. Mohan Krishna

2. Dharu Nisha Movies,
Rep. By Gnanadesh Ambedkar,
No.21, Sai Kuddil,
Periyar Street,
Saligrahmam, Chennai.

3. A.Sankara Padma

4. South Indian Film Writers Association,
Rep. By Pirai Soodan,
General Secretary,
L.33, Flat I, IInd Floor, L.I.G,
Bharathidhasn Colony,
K.K.Nagar,
Chennai 600 078.

5.Tamil Film Producers Council,
Rep. By its President,
Kalai Puli S.Dhanu,
No.606, Film Chamber Building,
Anna Salai,
Chennai 600 006.

6.Tamil Film Director Association,
Rep. By its President,
Mr.Vikraman,
No.168, Antony Salai,
Devi Karumari Amman Nagar,
Valasaravakkam,
Chennai 600 087.

... Respondents

Prayer: Suit filed under Section 55 of the Copy Right Act read with Order IV Rule I of the Original Side Rules and under Order VII Rule I of CPC

(a)to declare that the plaintiff is the absolute copy right owner of the story and screenplay in respect of the Tamil film "ACHAARAM" starring Ganesh Venkatraman, Munna, Poonam Kavur and others and directed by the first defendant having absolute copy right for the entire world;

(b)for a permanent injunction restraining the defendants 1 to 3 claiming from infringing the copy right of the plaintiff in respect of the film "ACHARAAM" starring Ganesh Venkatraman, Munna, Poonam Kavur and other and directed by the first defendant either by releasing, distributing or exploiting the above film or through in any other digital modes or in any other manner in the month of April 2015 or on any other subsequent dates and

(c)costs of the above proceedings.

For Plaintiff : Mr.R.Muniyapparaj

For Defendants : Mr.A.Natarajan Senior Counsel
1 to 3 for Ms.A.Madhumathi

For 5th Defendant : Mr.R.Sagadevan

Judgment

Though the applications are listed for disposal, in view of the Joint Memo filed by the parties, the suit itself is taken up for disposal.

2.A Joint Memo dated 29.4.2015 has been filed by the plaintiff and the defendants 1 to 3, who are the contesting parties in the suit, seeking for dismissal of the suit as withdrawn, based upon the terms and conditions of the above Joint Memo. The said Joint Memo was signed by both the plaintiff as well as the defendants 1 to 3 and their respective counsels. The said Joint Memo reads as follows:

"1.The plaintiff above named had filed the above suit for declaration along with injunction application in O.A.No.397 of 2015 and this Hon'ble Court was pleased to grant interim injunction from releasing the Tamil feature film "ACHAARAM".

2.The defendants had filed application in O.A.No.2829 of 2015 to

vacate the interim injunction granted in favour of the plaintiff.

3.It is submitted that during the hearing of the above said application, it was suggested by this Hon'ble Court for settling the dispute amicably. As such the parties had discussed the issue along with their respective counsels and comes to a amicable settlement with the terms and conditions as follows:-

(a)The name of the plaintiff "M.C.Sekar" will be appeared in the movie "Achaaram" title as author of the basic story such as "மூலக் கதை திரு.M.C.சேகர்" ; "(exclusively for Tamil language only)

(b)The defendants 1 to 3 agreed to pay a sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the defendant for his basic story as consideration by way of cash today.

(c) Upon receipt of the said sum the plaintiff M.C.Sekar is withdrawing the suit and consequently the interim injunction also to be closed and the plaintiff has got no objection for releasing the movie "Achaaram".

The plaintiff and defendants agreed to the above terms and conditions and the suit may be dismissed as withdrawn."

3. The learned counsels appearing for the plaintiff and the defendants 1 to 3 submitted that the suit may be dismissed as withdrawn in terms of the above said Joint Memo by recording the said Joint Memo and the same may be treated as forming part of the decree. Mr.R.Sagadevan, learned counsel appearing for the fifth defendant is not having any objection for recording the said Joint Memo.

4. Accordingly, the suit is dismissed as withdrawn in terms of the above said Joint Memo and the parties are directed to adhere to the Joint Memo without driving any other party to seek such execution of law. The said Joint Memo is recorded and the same shall form

part of the decree and records. There shall be no order as to costs. Consequently, connected Application No.2829 of 2015 and Original Application No.397 of 2015 are closed.

sd/.K.R.C.B.J

29.04.2015

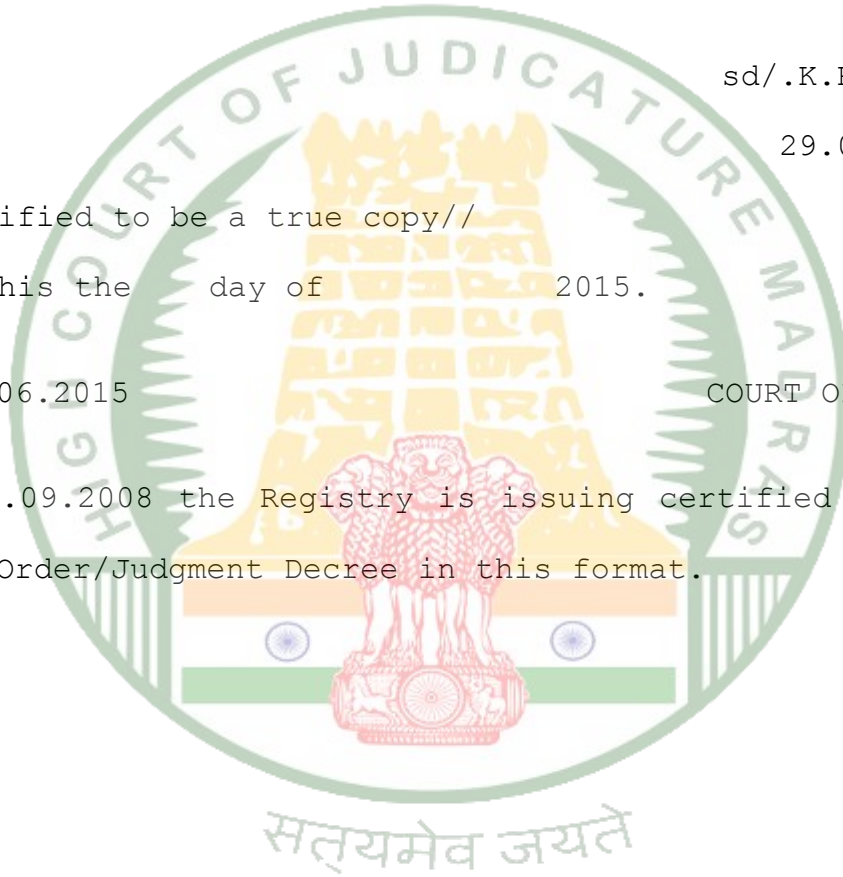
//Certified to be a true copy//

Dated this the day of 2015.

R.s/12.06.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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