

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

C.S.No.541 of 2015 and
O.A.No.684 of 2015 and A.No.4431 of 2015

M/s.MAGIC RAYS,
Rep. by its Partner Smt.Sashikala
w/o.Sri C.V.Chadramouli
924, Nutech Ganesh Kripa,
70th Street, 11th Sector,
K.K.Nagar, Chennai - 78. ... Plaintiff

Vs

1.M/s.NIC ARTS
Rep. by its Proprietor S.S.Chakravarthy
No.1, Senthil Andavar Street,
Dhanalakshmi Colony,
Vadapalani, Chennai - 600 026.

2.M/s.CHIMBU CINE ARTS,
Rep. by T.Rajhender,
No.4-A, Hindu Prachar Sabha Street,
T.Nagar, Chennai - 600 017. ... Defendants
(D2 impleaded vide order dated 14.07.2015
made in A.S.Nos.46312 and 4632 of 2015)

Prayer: Civil Suit filed under Order IV, Rule 1 of the Original Side Rules read with Sections 54 and 55 of Copyright Act, 1957, for permanent injunction restraining the defendant, their agents, men, representatives, assigns, distributors and anyone whosoever claiming through the defendant from in any manner infringing the plaintiff's copyright in respect of the exclusive distribution/theatrical release rights of the Tamil Feature Film "VAALU" starring Silambarasan a.k.a. S.T.R., Hansika

Mothwani, Santhanam among others in the territories of Tamil Nadu, Kerala, Karnataka, Pondicherry and Karaikal by distributing/releasing/exhibiting the said film "VAALU" through any other person or company.

For Plaintiffs : Mr.N.Ramesh
 For Defendants
 R1 : Mr.Abdul Hameed
 R2 : Mr.Thiageswaran
 for M/s.Waraon & Sairams

JUDGMENT

The learned counsel appearing for the plaintiff submitted that in pursuant to the order made by this Court on 14.07.2015 in O.A.No.684 of 2015, the parties have arrived at a settlement and consequently a Copyright Assignment Agreement dated 01.08.2015, was entered into between the plaintiff and the first respondent and in terms of the above said Copyright Assignment Agreement dated 01.08.2015 the plaintiff may be permitted to withdraw the above suit. The learned counsel appearing for the plaintiff has also filed a memo of compromise dated 06.08.2015 signed by the plaintiff and their counsel. The terms of the memo of compromise reads as follows:

"1.M/s.NIC ARTS produced a film named "VAALU" starring Silambarasan a.k.a. S.T.R. Hansika Mothwani, Santhanam among others with the music of Taman and directed by Sri.Vijay

Chander. M/s.NIC ARTS entered into an Agreement dated 29.05.2013 with the distributor M/s.MAGIC RAYS, assigning the rights of the theatrical distribution and exploitation of the said movie "VAALU" in the territory of the State of Tamil Nadu, Pondicherry, Kerala and Karnataka for the period in perpetuity for the agreed consideration and Rupees Ten Crores. Out of agreed sum of Rupees Ten Crores, a sum of Rs.8,18,55,000/- (Rupees Eight Crores Eighteen Lakhs Fifty Five Thousand) was paid by and from the account of M/S.MAGIC FRAMES, for and on behalf of M/s.MAGIC RAYS, another partnership firm of same partners.

2.Dispute arose between the parties in respect of assigned rights of theatrical release of the film and a civil suit was filed by the DISTRIBUTOR in C.S.No.541/2015 before High Court of Judicature of Madras for a relief of permanent injunction and obtained interim relief which was made absolute subsequently. Now, the issue was discussed and settled amicably between the parties. The PRODUCER and DISTRIBUTOR agreed to the following terms and entered into a COPYRIGHT ASSIGNMENT AGREEMENT dated 1st day of August 2015 by substitution the earlier agreement dated 29.05.2013.

3.It is therefore humbly prayed that this Hon'ble Court may be pleased to permit the

plaintiff to withdraw the above suit in terms of above COPYRIGHT ASSIGNMENT AGREEMENT dated 1st day of August 2015 which may form part of Decree and thus render justice."

2. Considering the above stated facts and circumstances, the interim order granted in O.A.No.684 of 2015 dt. 14.07.2015 is vacated and the Civil Suit is dismissed as withdrawn in terms of the Copyright Assignment Agreement dated 01.08.2015. No costs. Consequently, connected applications are closed.

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

06.08.2015

//Certified to be a true copy//

Dated this the day of 2017

R.s/30.11.217

COURT OFFICER

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

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