

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

O.S.A.Nos.114 to 116, 118 to 121 of 2015
and
M.P.Nos.1 and 2 of 2015

O.S.A.Nos.114 to 118 of 2015:

M/s.Agi Music Sdn Bhd,
32 A, Jalan BP 6/13 Bandar Bukit,
Puchong 41700, Puchong Seangor,
Malaysia
rep. by Agilan Lechaman,
Managing Director ... Appellants/4th Respondent/4th Defendant

vs

1.Ilaiyaraja

2.B.Narasimhan,
Agi Music Private Limited,
No.6, Aruna Nagar, 2nd Street,
Pallikaranai,
Chennai.

3.Echo Recording Company Pvt. Limited,
No.30, Conran Smith Road,
Gopalapuram,
Chennai-86.

4.M/s.Unisys Info Solution Pvt. Ltd.,
Sco 17, 12th Floor Main Market,
Sector 13 Urban Estate, Karnal
132001, Andhra Pradesh.

5.M/s.Giri Trading Company,
rep. by Sushma Ranganathan,
its Managing Director,
Office at Modi Niwas, Opp. Post Office,
Matunga,
Mumbai - 400 019.

... Respondents/Applicant and Respondent 1
to 3 & 5/Plaintiff & Defendants 1 to 3 & 5.

O.S.A.Nos.118 to 121 of 2015:

Echo Recording Company Pvt. Ltd.,
30, Conran Smith Road,
Gopalapuram,
Chennai-600 084. ...

Appellant/Applicant/2nd Defendant

vs.

1. Ilaiyaraja

2. B. Narasimhan,
Agi Music Pvt. Ltd.,
6, Aruna Nagar, 2nd Street,
Pallikaranai,
Chennai.

3. M/s. Unisys Info Solution Pvt. Ltd.,
SCO 17, 12th Main Market,
Sector 13, Urban Estate,
Karnal 132 001,
Andhra Pradesh State.

4. M/s. Agi Music SDN BHD,
32A jalan BP 6/13 Bandar Bukit,
Punchong 41700 Punchong Seangor,
Malayasia,
rep. by Agilan Lechaman,
Managing Director.

5. M/s. Giri Trading Company,
rep. by Sushama Ranganathan,
its Managing Director
Modi Niwas Opp Post office
Matunga, Mumbai-400 019. ...

Respondents./Plaintiff &
Defendants 1 to 3 & 5

Appeals filed under Clause 15 of the Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules against the common order made in O.A.Nos.760 to 762 of 2014 and A.No.6795 of 2014, 761/14, 762/14 & 760/14 respectively in C.S.No.625 of 2014 respectively dated 03.03.2015.

For Appellant in.. Mr. Anirudh Krishnan
OSA.Nos.114 to
116 of 2015 &
Respondent No.4
in OSA.Nos.118
to 121 of 2015

For Respondent .. Mr.V.Raghavachari
No.1 in all for
appeals Mr.S.K.Rakhunathan

For Respondent .. R.Muthukumarasamy
No.3 in OSA.Nos. Senior Counsel
114 to 116 & for
Appellant in Mr.R.Sathish Kumar
OSA.Nos.118 to
121 of 2015

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

It emerges from the submissions of the learned counsel for parties that no settlement is possible. The parties have already gone through the first round of their battle before the learned Single Judge, which has given rise to these appeals.

2. It was put to the learned counsel for parties that the appropriate methodology would be to have an expedited trial in the suits and thus, rather than further scrutiny of the interim measures, the suits itself can be taken up for final disposal. This is only possible with the co-operation of the parties and by evolving a appropriate methodology for an expedited trial.

3. We are informed that the written statements have been filed by some, while it is awaited by others. It is agreed that all the parties who have to file the written statement will do so within two (2) weeks from today and replication, if any, be filed within two (2) weeks thereafter.

4. Let the suits be listed for framing of Issues on 22.09.2015 before the learned Single Judge. We may note that in view of the expected Issues arising in the two suits, at the joint request, the trial in the suits is consolidated, i.e. C.S.No.308 of 2013 and C.S.No.625 of 2014.

5. On Issues being framed, the learned counsel for parties state that the remaining documents, if any, will be filed within two (2) weeks thereafter and the affidavit of admission and denial will be filed within two (2) weeks after that date.

6. In view of the Board of the Master of this Court being heavy, it is agreed that the evidence be recorded before a retired Judicial Officer (in the cadre of District Judge)/Local Commissioner and the expenses will be borne by the parties in equal shares.

7. Mr.B.Gokuldass, a retired Judicial Officer, residing at No.11, Kuppusamy Pillai street, Jesupadam Nagar, Guduvancherry-603 202, Kancheepuram District (Mobile No.9443491924) is appointed as Local

Commissioner to record the evidence in the suits and we fix the remuneration at Rs.1,00,000/- (Rupees One Lakh only) for completing the trial, apart from the out of pocket expenses. For the purpose of recording the evidence, the facility available at the Madras High Court Arbitration Centre, Madras High Court campus may be availed of, which charges shall be borne by the parties.

8. We expect the Local Commissioner to complete the recording of evidence within a period of three (3) months of the first date, for which all the learned counsel for parties assured before this Court that they will adhere to the schedule fixed.

9. In order to ensure the fairness at the interim stage till the trial, the learned counsel for the plaintiff/first respondent undertakes that no further contracts will be entered into.

10. We may also add that as soon as the evidence is over, the suits will be placed for direction before the Court to facilitate early disposal of the suits.

11. The appeals, accordingly, stand disposed of. No costs. Consequently, all connected M.Ps. are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

bbr

Copy to:

1. The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

2.Mr.B.Gokuldass(retired Judicial Officer)
No.11, Kuppusamy Pillai Street,
Jesupadam Nagar,
Guduvancherry- 603 202

3.The Madras High Court, Arbitration Centre,
Madas High Court.

7 cc to Mr.S.K.Rahunathan , Advocate Sr.No.43635
1 cc to Mr.R.Sathish Kumar , Advocate Sr.No.44095
1 cc to Mr.Anirudh Krishnan , Advocate Sr.No.44437

O.S.A.Nos.114 to 116,
118 to 121 of 2015

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pmk.18.9.2015