

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M.M.SUNDRESH**

C.S.No.926 of 2015

K.T.V.Kannan

....Plaintiff

VS

1.M/s.Thirrupathi Brothers Film Media (P) Ltd.,
No.16, Lamech Street,
Janaki Nagar, Valasarawakkam,
Chennai - 600 087
Rep. by its Managing Director
Mr.N.Lingusamy

2.M/s.Real Image Media Technologies (P) Ltd.,
No.7B, 3rd Street, Balaji Nagar,
Royapettah, Chennai - 600 004
Represented by its Director
Mr.Jayendra

.... Defendants

Civil Suit filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of CPC praying for the following judgment and decree:-

a) directing the first defendant to pay a sum of Rs.62,00,000/- (Rupees Sixty Two Lakhs only) together with interest at 12% p.a. from the date of plaint till the date of realization.

b) to grant an order of permanent injunction restraining the first defendant, their men, agents or any person or persons acting under him to release the film in the name of "Eadam Porul Yeaval" or in any other name comprising of the same artists and under the same banner;

c) To grant an order of permanent injunction restraining the second defendant, their men, agents or any person or persons acting under him from releasing the K.D.B. Prints of the film "Eadam Porul Yeaval" or released in any

other name under the same banner to the first defendant without obtaining the consent of the plaintiff;

d) cost of the suit.

For Plaintiff : Mr.M.Aravind Subramaniam

For Defendants : No appearance

J U D G M E N T

The suit is filed for the following reliefs:

a) directing the first defendant to pay a sum of Rs.62,00,000/- (Rupees Sixty Two Lakhs only) together with interest at 12% p.a. from the date of plaint till the date of realization.

b) to grant an order of permanent injunction restraining the first defendant, their men, agents or any person or persons acting under him to release the film in the name of "Eadam Porul Yeaval" or in any other name comprising of the same artists and under the same banner;

c) To grant an order of permanent injunction restraining the second defendant, their men, agents or any person or persons acting under him from releasing the K.D.B. Prints of the film "Eadam Porul Yeaval" or released in any other name under the same banner to the first defendant without obtaining the consent of the plaintiff;

d) cost of the suit.

2. From the averments made in the plaint, it is seen that Distribution Agreement was entered into between the plaintiff and the first defendant on 11.10.2014. Despite the same, distribution rights were assigned to Abirami

Pictures Pvt. Ltd. Thereafter, the plaintiff wrote a letter to the second defendant, being the promoter of the film about the assignment of Distribution Rights in favour of the plaintiff. Though a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) is paid by the first defendant on 20.01.2015, the remaining amount payable to the plaintiff was not paid and hence, the suit is laid before this Court.

3. The defendants were set ex parte on 28.06.2016. Thereafter, the matter was posted before the learned Master. The plaintiff filed proof affidavit and examined himself as P.W.1. Exs.P1 to P5 have been marked on behalf of the plaintiff. Ex.P1 is the Distribution Agreement between the parties.

4. On a perusal of the above said documents coupled with pleadings made, this Court is of the view that the suit has to be decreed, more so, when the defendants are not showing any interest to appear before this Court.

The Civil Suit is decreed as prayed for. No costs.

30.08.2016

svki

M.M.SUNDRESH,J.

svki

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