

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.01.2016

CORAM:

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

Original Application No.559 of 2015

Original Petition No.5 of 2016

Application No.50 of 2016

M/s.Radiance Media Pvt. Ltd.,
A company incorporated under
the Companies Act, 1956,
Having its Registered Office
at Khivraj Complex-II,
6th Floor, 480, Anna Salai,
Nandanam, Chennai 600 028.

.. Applicant in O.A.No.559 of 2015
1st Respondent in O.P.No.5 of 2016

vs.

1. M/s.Thirupathi Brothers
Film Media Pvt. Ltd.,
represented by its Director,
Subbash Chandra Bose,
No.16, Lamech Street,
Janaki Nagar, Valasaravakam,
Chennai 600 087.

.. Respondent in O.A.No.559 of 2015
Petitioner in O.P.No.5 of 2016

2. Mr.Justice R.Balasubramanian,
The Hon'ble Sole Arbitrator,
No.5, Tiger Varadachari Road,
1st Cross Street, Kalakshetra Colony,
Besant Nagar, Chennai 600 090.

..2nd Respondent in O.P.No.5 of 2016

Prayer made in O.A.No.559 of 2015: Original Application is filed Order
XIV Rule 8 of O.S. Rules, r/w. Section 9 of the Arbitration and Conciliation

Act, 1996, for an injunction, restraining the respondent, its men, servants, agents, authorised representatives, successors and any other persons authorised to act for and on its behalf from in any manner theatrically releasing the movie, “Rajini Murugan” or distributing/alienating the rights of the said movie, until payment of all dues to the applicant, as per the agreement, dated 11.08.2015 and the order passed by this Court in O.A.No.478 of 2015, on 29.04.2015.

Prayer made in O.P.No.5 of 2016: Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the award, dated 01.12.2015, passed by the 2nd respondent in the matter of agreement, dated 11.08.2014, between the petitioner and the 1st respondent.

For Applicant in O.A.No.559 of 2015/
1st Respondent in O.P.No.5 of 2016 : Mr.P.S.Raman,
Senior Counsel

For Respondent in O.A.No.559 of 2015/
Petitioner in O.P.No.5 of 2016 : Mr.M.L.Joseph

COMMON ORDER

On 08.01.2016, after hearing learned counsel for the parties, in Original Application No.559 of 2015, O.P.No.5 of 2015, Appl.No.50 of 2015, this Court has passed the following order :

M/s.Thirupathi Brothers Film Media Pvt. Ltd.,
represented by its Director, Mr.Subbash Chandra Bose,
who suffered an award, dated 01.12.2015, passed by

the 2nd respondent, in the matter of agreement, dated 11.08.2014, between the petitioner and the 1st respondent, has filed O.P.No.5 of 2016, challenging the said award.

2. O.A.No.559 of 2015, M/s.Radiance Media Pvt. Ltd., has sought for an interim injunction, restraining M/s.Thirupathi Brothers Film Media Pvt. Ltd., 1st respondent herein, its men, servants, agents, authorised representatives, successors and any other persons authorised, to act for and on its behalf from in any manner theatrically releasing the movie, “Rajini Murugan” or distributing/alienating the rights of the said movie, until payment of all dues to them, as per the agreement, dated 11.08.2015 and the order passed by this Court in O.A.No.478 of 2015, on 29.04.2015.

3. On this day, when the matter came up for hearing, Mr.M.L.Joseph, learned counsel appearing for M/s.Thirupathi Brothers Film Media Pvt. Ltd., submitted that a sum of Rs.1,58,00,000/- (Rupees One Crore and Fifty Eight Lakhs Only), would be paid to M/s.Radiance Media Pvt. Ltd., as full quit of all the claims and disputes, between the parties, and prayed to issue an order, directing release of the movie, “Rajini Murugan”, as scheduled. He further submitted that both the Original Petition and Original Application be listed for compliance on 12.01.2016.

4. On instructions, Mr.P.S.Raman, learned Senior Counsel, appearing for M/s.Radiance Media Pvt. Ltd.,

has accepted the abovesaid proposal, towards full quit of all the disputes and claim, between the parties.

5. Recording the abovesaid submission of the learned counsel appearing for both parties, Registry is directed to post O.P.No.5 of 2016 and O.A.No.559 of 2015, on 12.01.2016, for compliance. However, release of the movie, as scheduled on 14.01.2016, is subject to the orders in the other applications, O.A.Nos.980 and 981 of 2015, pending before this Court and filing proof of payment, as per the understanding in O.P.No.5 of 2016 and O.A.No.559 of 2015.”

2. In terms of the abovesaid order, M/s.Thirupathi Brothers Film Pvt. Ltd., represented by its Director, Chennai who is the respondent in O.A.No.559 of 2015 and the petitioner in O.P.No.5 of 2015, has made payment of Rs.1 Crore 58 Lakhs, as full quit, of all the disputes and claims between the parties, by way of four demand drafts details of which are extracted hereunder:

Name of the Bank	D.D.No. & Date	Amount
HDFC BANK	037906	Rs.58,00,000/-
TAMIL NADU MERCANTILE BANK	188830	Rs.25,00,000/-
SOUTH INDIAN BANK	792004	Rs.25,00,000/-
BANK OF INDIA	450570	Rs.50,00,000/-

3. Mr.N.C.Vishal, learned counsel appearing for M/s. Radiance Media Pvt. Ltd., has acknowledged the receipt of the above demand drafts, and also made an endorsement in the Original Application No.559 of 2015 to that effect. As the entire payment, as agreed to, upon by the parties, has been made by way of demand drafts there shall not be any impediment for release of the movie "Rajini Murugan" as scheduled on 14.01.2016. Recording the payment as full quit of all disputes and claims between the parties O.A.No.559 of 2015, O.P.No.5 of 2016 and Application No.50 of 2016 are closed. Interim orders granted earlier, pending disposal of the above applications stands rescinded. Attested copies of abovesaid demand drafts, shall be treated as part of the record.

12.01.2016

Note to Office:

Issue order copy on 12.01.2016

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S.MANIKUMAR, J.

smi

Original Application No.559 of 2015
Original Petition No.5 of 2016
Application No.50 of 2016

12.01.2016