

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A.No.103 of 2009

1.Susi Ganesan
2.Devi Sri Prasad
Music Director.
3.Kalaipuli S.Thaanu ... Appellants/Defendants

-Vs-

1.V.Elango 1st Respondent/Plaintiff
2.M.Vivekanandhan @ Viveka
(R-2 impleaded vide order of Court
dt.29.06.2009 in MP.2/2009) ... 2nd Respondent

Appeal filed under Order XXXVI Rule 1 of O.S. Rules and
Clause 15 of the Letters Patent against the order dated
18.04.2009 passed in O.A.No.21 of 2009 in C.S.No.36 of 2009 on
the original side of this Court.

For Appellants : M/s.R.Maheswari

For Respondents-1 : Mr.G.Saravanakumar

For R2 : Mr.J. Ravikumar*

J U D G M E N T

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

The appeal is only qua the interlocutory stage and no
interim orders were granted. Prima facie case has been
established as per the impugned order qua infringement of copy
right of the literary works. On our query, we are told that the
appellants have not even filed their written statement as yet.

2.We, thus, see no reason to interfere with the impugned
order.

3.Original Side Appeal, thus, stands dismissed.

4.The suit being one of the year 2009 and no written statement being filed, the same be placed before the learned Single Judge as to why the appellant / defendant should not be proceeded against further having not filed any defence since 2009, on 19.09.2016.

Sd/-
Assistant Registrar(CS V)
dt. 09/09/2016

Corrected as per the order of
this Court dated 4.11.2016
and made in OSA.No.103 of 2009

Sd/-
Assistant Registrar(CS II)
dt. 10.11.16

//True Copy//

sra

To

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

Sub Assistant Registrar

Substituted order to go
already despatched on
19/09/2016

(C.S. Posted before the Court concerned on 19.09.2016)

+1cc to Mr.M.Murugan, Advocate, S.R.No.50984

+ 1 cc to Mr. G. Saravanakumar, Advocate Sr.62981

+ 1 cc to Mr.J. Ravikumar, Advocate SR.63051

O.S.A.No.103 of 2009

CTK(CO)
CA(09/09/2016)
EU 10.11.2016