

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

C.S.No.286 of 2012
and
O.A.No.341 of 2012
and
Application No.1632 of 2013

G.Jayaseelan @ Jay
Proprietor of Rohini Muhil Production ... Plaintiff

vs

1. M/s.Thirupathi Brothers Film Media
Private Limited rep.by its Director
Mr.Lingusamy
 2. M/s.UTV Motion Pictures
rep.by its Regional Head
Chennai 600 018.
- ... Defendants

Plaint filed under Section 55 and 62 of the Copyright
Act, 1957 and Order IV Rule 1 of the Original Side Rules
r/w Order VII Rule 1 of the Civil Procedure Code.

For Plaintiff : No appearance

For Defendants : Ms.K.Subhashini for

M/s.Chennai Law Associates
for D1
Ms.Megna Nair for D2

JUDGMENT

This suit has been filed seeking the following reliefs:

(a) granting declaration declaring that the defendants are not entitled to exploit the right of the plaintiff in respect of the song "Vaathanaiye" of the movie "En Manathai Kollaiadithaali" produced by the plaintiff.

(b) to grant permanent injunction restraining the defendants, their men, servants, agents or anybody acting under them from releasing the movie 'Vazhakku Enn 18/9' with the son starting with the word "Vaathanaiye" jointly produced by the defendants.

(c) to direct the defendant to pay cost of the suit.

2. When the matter is taken up today, the learned counsel for the defendants stated that the movie in question has already been released and the claim of the plaintiff has been discharged. Accordingly, they would pray that the suit may be dismissed as infructuous.

3. On a perusal of the records, it is seen that the erstwhile counsel appearing on behalf of the plaintiff has filed a memo stating that he has given change of vakalat. Pursuant to the same, the name of the plaintiff has been printed in the cause list. Despite the same, there is no appearance for the plaintiff either in person or through the counsel.

4. Considering the above circumstances and in view of the submission made by the learned counsel for the defendants that the picture itself has been released, the Civil Suit is dismissed as infructuous, as nothing survives for adjudication. Consequently, the connected miscellaneous petitions are closed.

sd/.P.S.N.J

18.11.2016

//Certified to be a true copy//

Dated this the day of

2017

S.s/17.02.2017

COURT OFFICER

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