

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.11.2016

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.S.No.214 of 2013
and A.No.1081 of 2015

M/s.Giriguja Films International
Private Limited
Represented by its Managing Director
Mr.S.Sundararaman

... Plaintiff

Vs.

1. R.R.R.Movies
Represented by its Proprietor
Mr.Sarathkumar
2. I - Pictures
Rep by Mrs.Radhika Sarathkumar
3. M/s.Magic Frames
Rep by Listin Stephen
4. Gemini Laboratory
No.2, Vembuli Amman Koil Street,
Virugambakkam,
Chennai 600 092

... Defendants

PRAYER: Complaint under Order IV Rule 1 of O.S.Rules read with Order

VII Rule 1 of C.P.C praying for (a) directing the defendants 1 and 2 jointly and severally to pay the sum of Rs.91,00,000/- towards principal together with a sum of Rs.47,00,000/- towards interest from 02.02.2011 till the date of plaint in all totalling a sum of Rs.1,38,00,000/- to the plaintiff together with future interest @ 12% p.a from the date of plaint till the date of realisation; b) permanent injunction restraining the defendants 1 to 3 from in any manner releasing the film titled as "Chennayil Orul Naal" without first setting the suit amount due and payable to the plaintiff and consequently restraining the fourth defendant laboratory from in any manner delivering the release print of the film "Chennaiyil Orul Naal" for the purpose of the releasing the same by distributing or exploiting anywhere including digital mode such as Cube, UFO, etc without first settling the suit amount due and payable to the plaintiff by the defendants 1 and 2 (c) directing the defendants 1 and 2 to pay the costs of the suit.

For Plaintiff : Mr.T.Thiageswaran for
M/s.Waron and Sai Rams

For Defendants-1 &2: Mr.P.B.Ramanujam

For Defendant-3 : Mr.P.Giridharan

For Defendant-4 : No Appearance

JUDGMENT

The parties have arrived at a settlement, which is reduced to writing in a joint Memorandum of compromise by the plaintiff and the first defendant, dated 01.11.2016. The plaintiff and the first defendant signed in the compromise and counter-signed by their respective counsels.

2. The terms of Memorandum of Compromise are recorded, which is as follows:

1. *The 1st defendant has already paid a sum of Rs.98,50,000/- (Rupees Ninety Eight Lakhs Fifty Thousand Only), the receipt of which the plaintiff admits and acknowledges.*
2. *The 1st defendant has today paid Rs.13,50,000/- (Rupees thirteen lakhs and fifty thousand only), the receipt of which sum is acknowledged.*
3. *The 1st defendant agrees to pay a sum of Rs.3,91,700/- towards interest on delayed payments made so far. Such payments will be made on or before 10.12.2016 without*

fail.

4. *The 1st defendant agrees to pay a further sum of Rs.48,00,000/- (Rupees forty eight lakhs only) in the following manner;*

a) Sum of Rs.8,00,000/- (Rupees eight lakhs only) to be paid in six installments viz., 1st installment to commence on 10.01.2017 and to end with the last installment on 10.06.2017.

b)The 1st defendant also agrees to pay interest on Rs.48,00,000/- (Rupees forty eight lakhs only) as follows:

i. 24% per annum on Rs.48,00,000/- along with interest of Rs.16,000/- on 10.01.2017.

ii. 24% per annum on Rs.40,00,000/- along with interest of Rs.32,000/- on 10.02.2017.

iii.24% per annum on Rs.32,00,000/- along with interest of Rs.48,000/- on 10.03.2017.

iv.24% per annum on Rs.24,00,000/- along with interest of Rs.64,000/- on 10.04.2017.

v.24% per annum on Rs.16,00,000/- along with interest of Rs.80,000/- on 10.05.2017.

vi.24% per annum on Rs.8,00,000/- along with interest of Rs.96,000/- on 10.06.2017.

c) Subject to the 1st defendant making prompt payment of monthly installments as set out

hereunder, the plaintiff shall receive the same in full and final settlement and satisfaction of the suit claim. It is also agreed that if there is any default in payment of any of the above instalments, the defendant shall be liable to pay interest at 24% per annum.

d)The parties shall bear the respective costs.

e)In view of the compromise arrived at between the plaintiff and the first defendant, the suit may be dismissed as against the defendants 2,3 and 4.

f) The plaintiff and 1st defendant pray that this Hon'ble Court be pleased to pass a decree and thus render justice.

4. As per clause 4 (e) of the compromise, the plaintiff has given up his right against D2, D3 and D4. The above said terms of compromise are recorded. There will be a decree in terms of the above said compromise. The memo of compromise shall form part of the decree. No costs. Consequently, connected miscellaneous application is closed.

17.11.2016

srn

PUSHPA SATHYANARAYANA.J,

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