

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 10TH DAY OF AUGUST 2017

THE HON'BLE DR. JUSTICE ANITA SUMANTH

O.A.No. 30 of 2017
in
C.S.No. 19 of 2017

Darwin Rholand,
Door No.59/123, Flat No.11
2nd Floor, Lake View Road,
West Mambalam,
Chennai 600 033

...Applicant/Plaintiff

-vs-

1.Deepan Boopathy,
Prop.M/s. REBEL STUDIO,
No.4/6, Shree Balaji Apartments,
Rajambal Street, T.Nagar,
Chennai 600 017

2.M/s. J.S.K.Film Corporation
Rep.by J.Satish Kumar,
No.47, Gririppa Road,
T.Nagar, Chennai 600 017

3.M/s. Gemini Colour Labarotries
Rep.by its Manager (Lab Incharge)
Vembuliamman Kovil Street
Virugamabakkam, Chennai 600 92

4.Real Image Media Technologies (Pvt)Ltd
No.7G, 3rd Street, Balaji Nagar,
Royapettah, Chennai 600 014

5.QUBE,
No.42, Ranga Road,
Mylapore, Chennai 600 004

6.UFO Moviez,
No.34, Wallajah Road,
Chepauk, Chennai 600 002

7.M/s.Prasad Xtreme Digital,
Arunachalam Road,
Saligramamn,
Chennai 600 093

...Respondents/Defendants

Original Application praying that this Hon'ble Court be pleased to grant interim injunction restraining the Respondents/Defendants herein, their agents, servants, distributors or anybody claiming through or under them from in any manner infringing the copy right of the plaintiff in respect of the picture titled "MELLISAI' (Tamil, Colour, Scope) later changed as 'PURIYATHA PUTHIR' either by dealing with or releasing, distributing exhibiting or exploiting the said picture anywhere in the World or in any other manner whatsoever pending disposal of the above suit.

This Original Application coming on this day before this court for hearing the court made the following order:-

Pending suit, this application has been filed seeking an interim injunction restraining the respondents from infringing the copyright of the applicant in respect of the picture titled MELLISAI later changed as PURIYATHA PUTHIR either by dealing with or releasing, distributing, exhibiting or exploiting the said picture anywhere in the world or in any other manner.

2. When the matter came up for hearing as early as in March 2017, an undertaking was been given by the learned counsel for the first respondent that the movie would not be released. The undertaking was recorded by this Court. In all subsequent hearings, twelve in all, the learned counsel for the respondent would only reiterate the undertaking and seek time to obtain instructions, on the

ground that talks for settlement were ongoing. Even today the learned counsel is not in a position to proceed with the matter and only seeks more time to obtain instructions. I am not inclined to grant any further time.

3. Despite the grant of sufficient opportunity, the respondent has neither filed a counter nor is he ready to proceed with the matter.

4. As the undertaking given by the learned counsel for the first respondent already been made absolute, this application stands ordered as prayed for.

5. The matter is referred to the learned Additional Master II to commence trial after pleadings are completed.

Sd/- A.S.M.J

10/08/2017

//Certified to be a true copy//

Dated this the day of 2017

jj 24.08.17

COURT OFFICER

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