

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.98 of 1997

&

A.No.838 of 1997

1. M/s.Multi Channel India Ltd.,
represented by its Branch
Manager.

2. M/s.Santhosh Video Vision rep.
by its Power of Attorney holder
Mr.M.Uttam Chand. ... Plaintiffs

Vs.

1. Sri Sai Ram Arts, a partnership
firm. Rep. By its Partner NAMBIRAJ

2. M/s.Bujji Creations rep. by
Mr.Babuji. ... Defendants

This Civil Suit is preferred, under Order IV Rule 1 O.S. Rules read with Order VII Rule 1 C.P.C. and Sections 55 and 62 of the Copy Right Act, 1957, to declare that the first plaintiff is the exclusive and absolute owner of the copy right of exhibition and exploitation of the Tamil Colour Film 'NILA' starring Mr.Jayaram, Ms.Vinitha and others directed by Mr.Nambiraj, Music by Mr.Deva having Censorship Certificate bearing No.91255 dated 01.11.1994 issued by the Central Board of Film Certification Government of India in Doordarshan Madras Channel I/Doordarshan Channel V (Doordarshan Regional Service); seeking a permanent injunction restraining the defendants their men, servants, agents and assignees and any one claiming under them or acting on their behalf or through them from in any way infringing the first Plaintiff copy right exhibition and exploitation of the Tamil Colour Film 'NILA' starring Mr.Jayam, Ms.vinitha and others, directed by Mr.Nambiraj and Music by Mr.Deva and for costs.

For Plaintiffs : Mr.R.Vishnu
for Mr.K.Ramu

For Defendants : No Appearance

JUDGMENT

Read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 29.08.2018, which reads as follows:

'Mr.Vishnu, learned counsel representing the counsel on record for two plaintiffs is before this Commercial Division.

2. There are two defendants. Defendant No.2 has entered appearance through a counsel and his name is shown in the cause list, but none appears. With regard to defendant No.1, it is not clear as to whether the suit summons have been served. Registry to put up a note in this regard.

4. Be that as it may, read these proceedings in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 26.06.2018 and 23.07.2018.

5. Learned counsel representing the counsel on record for plaintiff submits that there is some difficulty in getting instructions, considering the fact that this suit is more than two decades old. Learned counsel seeks four weeks time to get instructions and report one way or the other.

6. As the learned counsel for plaintiff is before this Commercial Division today and in the light of the submission, which learned counsel has made, Registry to remove the caption 'for dismissal' in the next listing.

7. List this matter on 26.09.2018.'

2. Today Mr.R.Vishnu, learned counsel representing the counsel on record for both plaintiffs is before this Commercial Division.

3. Learned counsel for plaintiffs has filed a Memo dated 26.09.2018, which reads as follows:

'MEMO FILED BY PLAINTIFF COUNSEL

The plaintiffs' counsel had sent notice to both plaintiffs by post and they have been returned with endorsement No such person in the given address.

The plaintiffs' counsel took steps to enquire the whereabouts of the plaintiffs present address which was not fruitful. The plaintiffs also never contacted the plaintiffs counsel for the last 20 years.

The plaintiffs' counsel under aforesaid circumstances Report No Instructions and render justice.

Dated at Chennai this the 26th day of September 2018

Sd/-

Counsel for Plaintiffs.'

4. The aforesaid memo is self-explanatory. To be noted, besides the aforesaid memo, learned counsel has also filed an Affidavit of Service dated 24.09.2018 together with a copy of the letter to the plaintiffs and the envelopes, which have been returned unserved.

5. There is no representation for both the defendants.

6. In the light of the narrative supra, this suit stands dismissed for default/non-prosecution. Consequently, connected interlocutory application is closed. There shall be no order as to costs.

26.09.2018

Speaking/Non-Speaking order
Index : Yes/No

gpa/kan

M.SUNDAR, J.
gpa/kan

C.S.No.98 of 1997 &
A.No.838 of 1997

26.09.2018