

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

O.P. NO.595 OF 2017

M/s.Prasad Corporation Pvt. Limited
rep. by its Authorised Signatory
No.28 (Old No.27), Arunachalam Road,
Chennai - 600 093.

.. Petitioner

-VS-

1.K.S.Sivaraman

2.K.S.Srinivasan

.. Respondents

PRAYER: Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint Sole Arbitrator, in terms of Clause 8 of the agreement dated 17.03.2015, for the purpose of adjudicating the disputes between the petitioner and the respondents and to direct the respondents to pay the costs of this proceeding to the petitioner.

For Petitioner : Mr.T.Poornam
For Respondents : Mr.A.Chidambaram

This Original Petition is filed by the petitioner to appoint a Sole Arbitrator, in terms of Clause 8 of the Agreement dated 17.03.2015, for

the purpose of adjudicating the disputes between the petitioner and the respondents and to direct the respondents to pay the costs of this proceeding.

2.The learned counsel for the respondent filed an affidavit of undertaking dated 20.12.2018 which reads as under:

“ AFFIDAVIT OF UNDERTAKING FILED BY THE RESPONDENTS

I, K.S.Srinivasan, son of late Subramanian, Hindu, Aged about 59 years, and carrying on business as sole proprietor of M/s.Vasan Visual Ventures, having office at New No.10, 92nd street, 18th Avenue, Ashok nagar, Chennai – 600083, do hereby solemnly affirm and sincerely state as follows:

- 1. I am the second respondent herein and the second respondent in the above application and I am filing this affidavit on behalf of my brother K.S.Sivaraman, the first respondent / first respondent also.*
- 2. I submit that in the above application this Hon'ble Court was pleased to grant Interim Attachment of the film titled “ORU PAKKA KATHAI” (Tamil-Colour) by order dated 06.02.2017.*
- 3. I further submit that during the hearing of the above application on 17.12.2018, by way of interim arrangement and without prejudice to our contentions, we had agreed to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) before the release of the first project viz. Film “ORU PAKKA KATHAI” (Tamil-Colour) as a condition for vacating the interim attachment order dated 06.02.2017 in addition to the sum of Rs.3,00,000/- (Rupees Three Lakhs*

Only) already paid subsequent to the filing of the above application and towards the security for the balance amounts we have also agreed not to exploit our other two film projects viz. 1."ORU PAKKA KATHAI" (Tamil-Colour) and 2."YANG MUNG CHANG" (Tamil-Colour) until further orders.

4. *I submit that in pursuance of the above we hereby agree and undertake to pay the above said sum of Rs.3,00,000/- (Rupees Three Lakhs Only) on or before the release of the first film project viz. "ORU PAKKA KATHAI" (Tamil-Colour) and further undertake not to exploit the other two film projects viz. "ORU PAKKA KATHAI" (Tamil-Colour) and 2."YANG MUNG CHANG" (Tamil-Colour) until further order of this Hon'ble Court and pray that this Hon'ble Court may be pleased to record the above Affidavit of Undertaking and pass suitable orders as may be deemed fit and proper in the facts and circumstances of the case vacating the order of interim Attachment dated 06.02.2017 and made in the above Application No.6215/2018 and thus render justice."*

3.Affidavit of Undertaking, dated 19.12.2018, filed by the respondents is taken on record.

4. Accordingly, the respondents are directed to deposit a sum of Rs.3,00,000/- as agreed, within a period of three weeks from the date of receipt of a copy of the order. On such deposit, the attachment made against the first project stands raised and respondents will be at liberty to release the film.

M.GOVINDARAJ, J.

bkn/tk

5.In so far as the second and third projects viz. Odi Odi Uzhaikkanum and Yang Mung Chang are concerned, there shall be an order of attachment that the respondents shall not exploit rights in any form until further orders.

Accordingly, this petition is partly ordered.

20.12.2018

bkn/tk



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