

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 16TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

A.Nos.8786 and 8787 of 2018

and

A. Nos.1121 to 1123 of 2021

A.Nos.8786 and 8787 of 2018:-

In the matter of Arbitration and
Conciliation Act, 1996;

And

In the matter of Theatrical distribution
agreement dated 26.10.2018 &
29.10.2018 and disputes between

Sun Tv Network Ltd.,
Represented by its Authorised Signatory
Mr.M.JyothiBasu
Murasoli Maran Towers,
73, MRC Nagar Main Road,
MRC Nagar, Chennai 600 028.

: Applicant

-Versus-

1. M/s. Sri Thenandal Films
By its Sole Proprietor
Mr.Narayanan Ramasamy
No.2/8, Eighty Feet Road, Devar Garden,
Saligramam, Chennai 600 093.

2. Mr.Narayanan Ramasamy
S/o. Late Mr.RM.Narayanan @ Ram Narayann
No.2/8, Eighty Feet Road, Devar Garden,
Saligramam, Chennai 600 093.

3. Ms. Hema Rukmani
W/o. Mr.Narayanan Ramasamy
14/19, Saraswathy Street,
Mahalingapuram, Nungambakkam,
chennai 600 034.

4. Ms.M.AnbuMeenal
D/o. Late Mr.RM.Narayanan @ Ram Narayann
W/o. R.M.Meiyaappan,
61/2A, Opp to SKR Kalyana Mahal,
East Ramanathapuram,
Dindigul-624 001.

5. Ms.M.Umaiya @ Uma
D/o. Late Mr.RM.Narayanan @ Ram Narayann,
W/o. Mr.M.Muthukaruppan @ Jagan
5 Keela Mel 40 Feet Road,
T.T.Nagar, Karaikudi,
Sivagangai - 630 001.

: Respondents

A.No.8786 of 2018:-

Application praying that this Hon'ble Court be pleased to appoint the applicant as receiver for Item 12 of the schedule property till the arbitration proceedings are completed and award is passed .

A.No.8787 of 2018:-

Application praying that this Hon'ble Court be pleased to attach the schedule properties item 1 to 11, which asolutely belongs to respondents 2, 4 & 5 jointly till the arbitration proceedings are completed and award is passed.

A.Nos.1121 to 1123 of 2021:-

Ms.M.Umaiya @ Uma

D/o. Late Mr.RM.Narayanan @ Ram narayanan

W/o. Mr.M.Muthukaruppan @ Jagan

5 Keelamel 40 Feet Road,

T.T.Nagar, Karaikudi,

Sivagangai - 630 001.

: 5th Respondent/Applicant

-Versus-

1.Sun TV Network Ltd.,

Represented by its Authorised Signatory

Mr.M.Jyothi Basu

Murasoli Maran Towers,

73, MRC Nagar Main Road,

MRC Nagar, Chennai 600 028.

: Applicant

2. M/s. Sri Thenandal Films

By its Sole Proprietor

Mr.Narayan Ramasamy

No.2/8, Eighty Feet Road, Devar Garden,

Saligramam, Chennai 600 093.

3. Mr.Narayan Ramasamy

S/o. Late Mr.RM.Narayanan @ Rama Narayanan

No.2/8, Eighty Feet Road, Devar Garden,

Saligramam, Chennai 600 093.

4. Ms. Hema Rukmani

W/o. Mr.Narayanan Ramasamy

14/19, Saraswathy Street,

Mahalingapuram, Nungambakkam,

Chennai 600 034.

5.Ms.M.Anbu Meenal

D/o. Late Mr.RM.Narayanan @ Rama Narayanan

W/o. Mr.RM.Meiyappan,

61/2A, Opp to SKR Kalyana Mahal,

East Ramanathapuram,
Dindigul-624 001.

: Respondents 1 to 4/
Respondents

A.No.1121 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in Application No.8786 of 2018, disposing the said application by recording the compromise memo dated 16.11.2018, in so far as the 5th respondent/applicant is concerned.

A.No.1122 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in A.No.8787 of 2018, disposing the said application by recording the compromise memo dated 16.11.2018 in so far as the 5th respondent/applicant is concerned.

A.No.1123 of 2021:-

Application praying that this Hon'ble Court be pleased to stay all further proceedings in E.P.NO.3 of 2021, on the file of this Hon'ble Court, pending disposal of the application filed by the applicant to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in

A.No.8787 of 2018.

These applications coming on this day before this court for hearing in the presence of Mr.M.Narendran for M/s King & Partridge, Advocates for the applicant in A.Nos.8786 and 8787 of 2018 and for the 1st respondent in A.Nos.1121 to 1123 of 2021 and Mr.S.Karthikei Balan, advocate for the respondents 1 to 4 in A.Nos.8786 and 8787 of 2018 and for the respondents 2 to 5 in A.Nos.1121 to 1123 of 2021 and Mr.V.G.Suresh Kumar, Advocate for the 5th respondent in A.Nos.8786 and 8787 of 2018 and for the Applicant in A.Nos.1121 to 1123 of 2021, and upon reading the order herein dated 21.12.2021, and the memo dated 15.02.2022, and this court having observed that the applicant (Sun TV Networks Ltd.,) has filed a memo dated 15.02.2022, this 7 page 12 paragraphs memo is sum and substance says that II MOC has not been acted upon and the obligations have not been satisfied and this is disputed by Respondents 1 to 4 i.e., second respondent carrying on business in the name and style of Sri Thenandal Films as proprietor as well as his spouse and sister (respondents 4 and 5) and this disputation is completely outside the scope and realm of the captioned applications, **it is ordered as follows:-**

That the captioned applications in A.Nos.1121 to 1123 of 2021 be and are hereby disposed of as closed.

2. That all rights and contentions of both sides in this regard are left open and preserved for being adjudicated in a manner known to law.

3. That there shall be no order as to costs of these applications.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 16th DAY OF FEBRUARY 2022.

Sd/-
ASSISTANT REGISTRAR (COMM.CASES)
//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

MU
19.04.2022

A.Nos.8786 and 8787 of 2018
and
A. Nos.1121 to 1123 of 2021

ORDER:

DATED : 16.02.2022

THE HON'BLE MR. JUSTICE
M.SUNDAR

FOR APPROVAL: 22.04.2022

APPROVED ON : 22.04.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 16TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

A.Nos.8786 and 8787 of 2018

and

A. Nos.1121 to 1123 of 2021

A.Nos.8786 and 8787 of 2018:-

In the matter of Arbitration and
Conciliation Act, 1996;

And

In the matter of Theatrical distribution
agreement dated 26.10.2018 &
29.10.2018 and disputes between

Sun Tv Network Ltd.,
Represented by its Authorised Signatory
Mr.M.JyothiBasu
Murasoli Maran Towers,
73, MRC Nagar Main Road,
MRC Nagar, Chennai 600 028.

: Applicant

-Versus-

1. M/s. Sri Thenandal Films
By its Sole Proprietor
Mr.Narayanan Ramasamy
No.2/8, Eighty Feet Road, Devar Garden,
Saligramam, Chennai 600 093.

2. Mr.Narayanan Ramasamy
S/o. Late Mr.RM.Narayanan @ Ram Narayann
No.2/8, Eighty Feet Road, Devar Garden,
Saligramam, Chennai 600 093.

3. Ms. Hema Rukmani
W/o. Mr.Narayanan Ramasamy
14/19, Saraswathy Street,
Mahalingapuram, Nungambakkam,
chennai 600 034.

4. Ms.M.AnbuMeenal
D/o. Late Mr.RM.Narayanan @ Ram Narayann
W/o. R.M.Meiyaappan,
61/2A, Opp to SKR Kalyana Mahal,
East Ramanathapuram,
Dindigul-624 001.

5. Ms.M.Umaiya @ Uma
D/o. Late Mr.RM.Narayanan @ Ram Narayann
W/o. Mr.M.Muthukaruppan @ Jagan
5 Keela Mel 40 Feet Road,
T.T.Nagar, Karaikudi,
Sivagangai - 630 001.

: Respondents

A.No.8786 of 2018:-

Application praying that this Hon'ble Court be pleased to appoint the applicant as receiver for Item 12 of the schedule property till the arbitration proceedings are completed and award is passed .

A.No.8787 of 2018:-

Application praying that this Hon'ble Court be pleased to attach the schedule properties item 1 to 11, which asolutely belongs to respondents 2, 4 & 5 jointly till the arbitration proceedings are completed and award is passed.

A.Nos.1121 to 1123 of 2021:-

Ms.M.Umaiya @ Uma

D/o. Late Mr.RM.Narayanan @ Ram narayanan

W/o. Mr.M.Muthukaruppan @ Jagan

5 Keelamel 40 Feet Road,

T.T.Nagar, Karaikudi,

Sivagangai - 630 001.

: 5th Respondent/Applicant

-Versus-

1.Sun TV Network Ltd.,

Represented by its Authorised Signatory

Mr.M.Jyothi Basu

Murasoli Maran Towers,

73, MRC Nagar Main Road,

MRC Nagar, Chennai 600 028.

: Applicant

2. M/s. Sri Thenandal Films

By its Sole Proprietor

Mr.Narayan Ramasamy

No.2/8, Eighty Feet Road, Devar Garden,

Saligramam, Chennai 600 093.

3. Mr.Narayan Ramasamy

S/o. Late Mr.RM.Narayanan @ Rama Narayanan

No.2/8, Eighty Feet Road, Devar Garden,

Saligramam, Chennai 600 093.

4. Ms. Hema Rukmani

W/o. Mr.Narayanan Ramasamy

14/19, Saraswathy Street,

Mahalingapuram, Nungambakkam,

Chennai 600 034.

5.Ms.M.Anbu Meenal

D/o. Late Mr.RM.Narayanan @ Rama Narayanan

W/o. Mr.RM.Meiyappan,

61/2A, Opp to SKR Kalyana Mahal,

East Ramanathapuram,
Dindigul-624 001.

: Respondents 1 to 4/
Respondents

A.No.1121 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in Application No.8786 of 2018, disposing the said application by recording the compromise memo dated 16.11.2018, in so far as the 5th respondent/applicant is concerned.

A.No.1122 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in A.No.8787 of 2018, disposing the said application by recording the compromise memo dated 16.11.2018 in so far as the 5th respondent/applicant is concerned.

A.No.1123 of 2021:-

Application praying that this Hon'ble Court be pleased to stay all further proceedings in E.P.NO.3 of 2021, on the file of this Hon'ble Court, pending disposal of the application filed by the applicant to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in A.No.8787 of 2018.

These Applications coming on this day before this court for hearing **the court made the following order:-**

This common order will govern the captioned five applications.

2. To be noted, this common order will dispose of captioned three applications i.e., Application Nos.1121 to 1123 of 2021. Application Nos.8786 and 8787 of 2018 have already been disposed of vide order dated 23.11.2018 and further order dated 10.02.2020.

3. The first of the applications in the captioned matters is

A.No.8786 of 2018 and the cause title in the same is as follows:

*"M/s.Sun TV Network Ltd.,
Represented by its Authorised Signatory
Mr.M.JyothiBasu
Murasoli Maran Towers
73, MRC Nagar Main Road
MRC Nagar
Chennai - 600 028* ... Applicant

Vs.

*1.M/s.Sri Thenandal Films
By its Sole Proprietor
Mr.Narayanan Ramasamy
No.2/8, Eighty Feet Road
Devar Garden, Saligramam
Chennai - 600 093*

*2. Mr.Narayanan Ramasamy
S/o.Late Mr.RM.Narayanan @ Ram Narayann
No.2/8, Eighty Feet Road
Devar Garden, Saligramam
Chennai - 600 093*

3. *Ms.Hema Rukmani*
W/o.Mr.Narayanan Ramasamy
14/19, Saraswathy Street
Mahalingapuram, Nungambakkam
Chennai - 600 034

4. *Ms.M.AnbuMeenal*
D/o.Late Mr.RM.Narayanan @ Ram Narayann
W/o. Mr.RM Meiyappan
61/2A Opp. to SKR Kalayana Mahal
East Ramanathapuram
Dindigul - 624 001

5. *Ms.M.Umaiya @ Uma*
D/o.Late Mr.RM Narayanan @ Ram Narayann
W/o.Mr.M.Muthukaruppan @ Jagan
5 Keela Mel 40 Feet Road
T.T.Nagar, Karaikudi
Sivangangai - 630 001
... Respondents'

4. In this order, parties will be referred to by their rank in the
aforementioned cause title for the sake of convenience and clarity.

5. All the captioned five applications have been presented in this
Court under Section 9 of 'The Arbitration and Conciliation Act, 1996 (Act
No.26 of 1996)', which shall hereinafter be referred to as 'A and C Act' for
the sake of brevity. While Application Nos.8786 of 2018 and 8787 of 2018
have been moved by applicant (Sun TV Network Ltd.), A.Nos.1121 to
1123 of 2018 have been moved by the 5th respondent (Ms.M.Umaiya @
Uma, D/o.Late Mr.RM Narayanan @ Ram Narayann).

6. The matters are now heading for a closure and therefore, it may not be necessary to dilate on facts in detail. Suffice to say that the captioned matters pertain to * **a Tamil Cinematograph film titled 'சர்க்கார்'**. Pending aforementioned A.Nos.8786 and 8787 of 2018, the parties entered into a 'Memorandum of Compromise' ('I MOC' for the sake of convenience and clarity) dated 16.11.2018 and this resulted in aforementioned order dated 23.11.2018 and further order dated 10.02.2020 in Application Nos.8786 and 8787 of 2018. Thereafter, the fifth respondent came up with A.No.1121 of 2021 with a prayer to set aside aforementioned 23.11.2018 order and further order dated 10.02.2020 primarily on the ground that her signature had been forged in the I MOC. Pending aforementioned applications, a 'second Memorandum of Compromise' ('II MOC' for the sake of convenience and clarity) dated 23.09.2021 came to be executed. Clause 8 of the II MOC reads as follows:

*** Amended as per order dt.09.03.2022
made in A.Nos.8786 and 8787 of 2018
and 1121 to 1123 of 2021.**

**Sd./-
Assistant Registrar (Comm.Div.)**

'8. Subject to Second Party to Sixth Party abiding by the terms herein and execution of the corresponding Sale Deeds, the First Party undertakes to withdraw all legal proceedings against the Second Party to Sixth Party before any court of law or forum or any investigating authority with regard to the present dispute. The party of Sixth Part also undertakes to forthwith withdraw the applications in A.Nos.1121 to 1123 of 2021 filed before the Honourable High Court.

(underlining made by this Court for ease of reference)

7. The aforementioned Clause 8 of II MOC is reiterated in the hearing today by learned counsel for fifth respondent and that gives quietus to A.Nos.1121 to 1123 of 2021 party of sixth part in II MOC is fifth respondent. Therefore, A.Nos.1121 to 1123 of 2021 are disposed of as withdrawn having been settled vide II MOC.

8. In the aforesaid backdrop i.e., in the aforesaid trajectory the matter has taken, the applicant (Sun TV Network Ltd.,) has filed a memo dated 15.02.2022. This 7 page 12 paragraphs memo in sum and substance says that II MOC has not been acted upon and the obligations have not been satisfied. This is disputed by Respondents 1 to 4 i.e., second respondent carrying on business in the name and style of Sri Thenandal Films as Proprietor as well as his spouse and sister {respondents 4 and 5}. This disputation is completely outside the scope and realm of the captioned applications. Therefore, all rights and contentions of both sides in this

regard are left open and preserved for being adjudicated in a manner known to law.

9. Captioned applications A.Nos.1121 to 1123 of 2021 are disposed of as closed. There shall be no order as to costs.

Sd./-M.S.J.
16.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 09TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

A.Nos.8786 and 8787 of 2018

and

A. Nos.1121 to 1123 of 2021

A.Nos.8786 and 8787 of 2018:-

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Conciliation Act, 1996;

And

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agreement dated 26.10.2018 &
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No.2/8, Eighty Feet Road, Devar Garden,
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3. Ms. Hema Rukmani
W/o. Mr.Narayanan Ramasamy
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W/o. Mr.M.Muthukaruppan @ Jagan
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: Respondents

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Application praying that this Hon'ble Court be pleased to attach the schedule properties item 1 to 11, which asolutely belongs to respondents 2, 4 & 5 jointly till the arbitration proceedings are completed and award is passed.

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Ms.M.Umaiya @ Uma

D/o. Late Mr.RM.Narayanan @ Ram narayanan

W/o. Mr.M.Muthukaruppan @ Jagan

5 Keelamel 40 Feet Road,

T.T.Nagar, Karaikudi,

Sivagangai - 630 001.

: 5th Respondent/Applicant

-Versus-

1.Sun TV Network Ltd.,

Represented by its Authorised Signatory

Mr.M.Jyothi Basu

Murasoli Maran Towers,

73, MRC Nagar Main Road,

MRC Nagar, Chennai 600 028.

: Applicant

2. M/s. Sri Thenandal Films

By its Sole Proprietor

Mr.Narayan Ramasamy

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3. Mr.Narayan Ramasamy

S/o. Late Mr.RM.Narayanan @ Rama Narayanan

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61/2A, Opp to SKR Kalyana Mahal,

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A.No.1121 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in Application No.8786 of 2018, disposing the said application by recording the compromise memo dated 16.11.2018, in so far as the 5th respondent/applicant is concerned.

A.No.1122 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in A.No.8787 of 2018, disposing the said application by recording the compromise memo dated 16.11.2018 in so far as the 5th respondent/applicant is concerned.

A.No.1123 of 2021:-

Application praying that this Hon'ble Court be pleased to stay all further proceedings in E.P.NO.3 of 2021, on the file of this Hon'ble Court, pending disposal of the application filed by the applicant to set aside the order dated 23.11.2018 and the further order dated 10.02.2020 made in

A.No.8787 of 2018.

These Applications coming on this day before this court for hearing **the court made the following order:-**

Captioned matters are listed under the cause list caption 'FOR BEING MENTIONED'at the instance of both sides who made a joint mentioning.

2.Learned counsel on both sides namely, Mr.V.G.Suresh Kumar, Mr.Narendran of M/s.King and Partridge (Law Firm) and Mr.S.Karthikei Balan submit that a factual error had crept in qua Paragraph 6 of the order dated 16.02.2022 vide which captioned applications were disposed of. There is a mention about two Tamil Cinematograph films in paragraph 6 namely, 'மொச்சல்' and 'சர்க்கார்' but it should only be the latter is their common say.

3.Learned counsel on both sides expressed regret for having allowed the aforementioned error to creep in though the order was dictated in open Court.

4.By consent of both sides, the second sentence in paragraph 6 of order dated 16.02.2022 which reads as 'Suffice to say that the captioned matters pertain to two Tamil Cinematograph films titled 'மொச்சல்' and 'சர்க்கார்'.' will now be read as 'Suffice to say that the captioned

matters pertain to a Tamil Cinematograph film titled 'சர்க்கார்'.

5.This proceeding shall be appended to earlier order dated 16.02.2022 and shall be read as an integral part and parcel of the earlier order. Registry is directed to do the needful and suitably reissue the order/upload the same.

Sd./-M.S.J.

09.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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