

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.09.2019

Coram

The Hon'ble Mr. Justice **N.SATHISH KUMAR**

C.S.No.347 of 2007
&
O.A.No.508 of 2007

Royale Blue Investments Private Limited,
Rep by its Authorized Signatory Mr.J.Dayalan,
No.73, Nungambakkam High Road,
Chennai – 600 034.
(Amended as per Order dt.20.08.2019
in A.No.5993/2019)

...Plaintiff

Vs.

1.Mr.S.D.Gunasekaran, Proprietor,
M/s.Arun Sujatha Combines,
No.9, Krishna Street, T.Nagar,
Chennai – 600 017.

2.M/s.Sri Tamilnad Cine Laboratory,
No.11, Kuppuswamy Street,
T.Nagar, Chennai – 600 017.

...Defendants

Plaint filed under Order IV Rule 1 of O.S.Rules and Order VII
Rule 1 of CPC and Sections 55 and 62 of the Copyright Act, 1957
praying for

(a) for a declaration that the plaintiff is the absolute owner of the
limited copyrights viz., Entire Video Copyrights, VCD Rights, DVD

Rights Etc., Cable TV Copyrights, Radio Diffusion Rights, Web/Internet Copyrights, Exhibition and Rights to communicate to the Public in any manner for entire India and its Union Territories etc., in the schedule mentioned films as per agreement dated 19.08.2000 for perpetual period;

(b) for a permanent injunction restraining the defendants, their men, agents, servants or assigns from in any manner infringing the limited copyrights viz., Entire Video Copyrights, VCD Rights, DVD Rights Etc., Cable TV Copyrights, Radio Diffusion Rights, Web/Internet Copyrights, Exhibition and Rights to communicate to the Public in any manner for entire India and its Union Territories etc., in the films described in the schedule to the plaint in any manner whatsoever;

(c) for costs of the suit.

For Plaintiff ..	Mr.K.Harishankar
For Defendants ..	D.1 & D.2 set exparte.

ORDER

The suit is filed praying for the following relief;

(a) for a declaration that the plaintiff is the absolute owner of the limited copyrights viz., Entire Video Copyrights, VCD Rights, DVD Rights Etc., Cable TV Copyrights, Radio Diffusion Rights, Web/Internet Copyrights, Exhibition and Rights to communicate to the Public in any manner for entire India and its Union Territories etc., in the schedule mentioned films as per agreement dated 19.08.2000 for perpetual period;

(b) for a permanent injunction restraining the defendants, their men, agents, servants or assigns from in any manner infringing the limited copyrights viz., Entire Video Copyrights, VCD Rights, DVD Rights Etc., Cable TV Copyrights, Radio Diffusion Rights, Web/Internet Copyrights, Exhibition and Rights to communicate to the Public in any manner for entire India and its Union Territories etc., in the films described in the schedule to the plaint in any manner whatsoever;

(c) for costs of the suit.

2.It is the case of the plaintiff that he is in business of acquiring copyrights in Cinematograph films and exploiting the same in various territories throughout the World. The first defendant is the

Producer/negative rights holder and the owner of all copyrights in Tamil films stated in the schedule viz., 'SANGILI' and 'KATHIRUNDHA KANGAL'. The defendant by agreement dated 19.08.2000, assigned the copyrights to the plaintiff. Hence, the suit.

3.P.W.1 was examined and Exs.P.1 & P.2 were marked. Ex.P.1 is the copy of the agreement between the plaintiff and defendant No.1 dated 19.08.2000, wherein the first defendant assigned copyright of the films in favour of the plaintiff. Ex.P.2 is the Lab Confirmation Letter given by the second defendant confirming the assignment. The P.W.1 has clearly not only spoken about execution agreement and also Ex.P.2 a Lab Confirmation Letter and he also spoken about the copyright that has been vested with him ever since the date of agreement. The evidence of the P.W.1 remains unchallenged and documents are also not reputed. When the plaintiff has established that he has acquired a right by way of assigning deed which remains unchallenged, he is certainly entitled to declaration in respect of copyright assigned under Ex.P.1. To substantiate Ex.P.1, Ex.P.2 is also filed, which has also remains unchallenged.

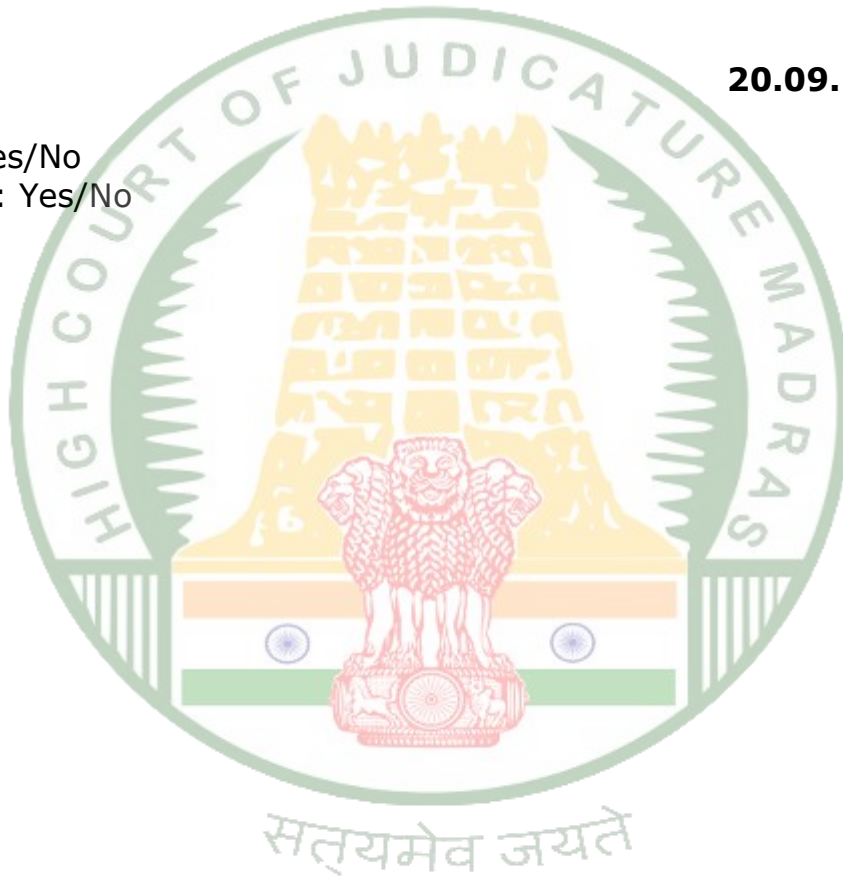
4.In such view of the position, this Court is of the considered

opinion that the plaintiff has established a case for grant of relief as prayed for and the suit is decreed with costs. Consequently, the connected Original Application is closed.

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Index:Yes/No
Internet: Yes/No

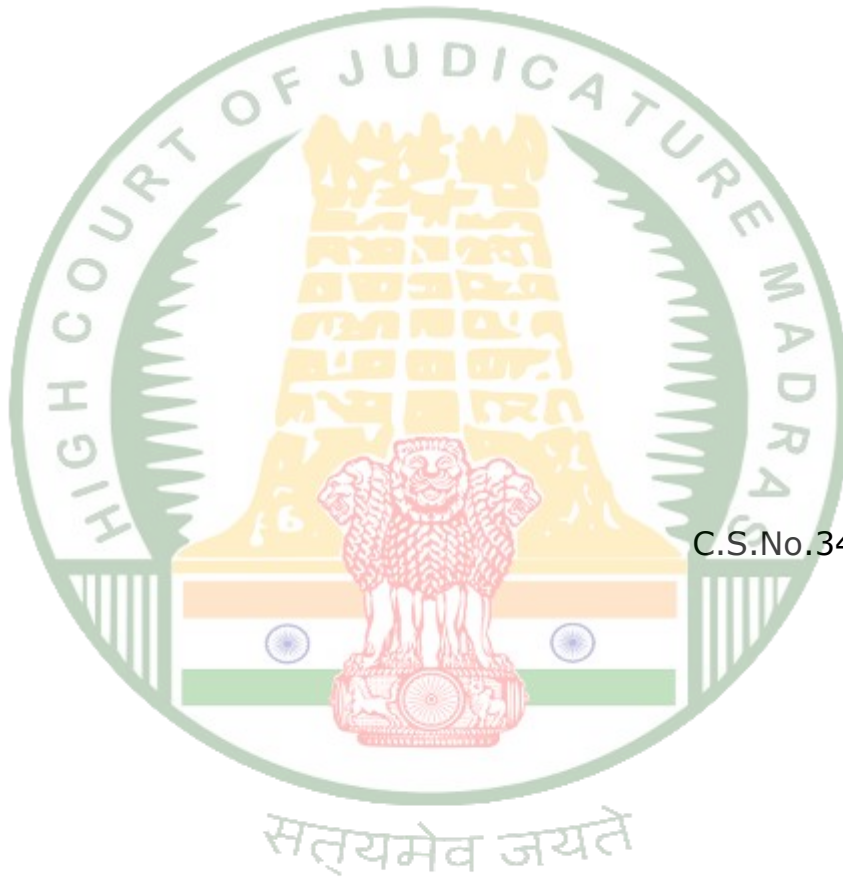


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