

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF MARCH, 2019

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

A. No.555 of 2019

in

C.S.51 of 2019

Big Tree Entertainment Private Limited
a company Incorporated under the
Companies Act, 1956 having its
registered office at Ground Floor, Wajeda
House, Gulmohar Cross Road, No.7,
Juhu Scheme, Mumbai - 400 049.
Also at Plot No.1187 G Block,
1st Street, Anna Nagar,
Chennai-600 040.

... Applicant/Plaintiff
in O.A. No.52/2019

... Applicant/Applicant/
Plaintiff
in A.No.555/2019

-Versus-

GK Cinemas
Represented by its Sole Proprietor
Mr.Divyaruban Mathivanan
having its office at Trunk Road,
Lakshmi Nagar, Porur, Chennai,
Tamil Nadu 600 116.

... Respondent/Defendant
in O.A. No.52/2019

... Respondent/Respondent/
Defendant

A. No.555 of 2019

Application praying that this Hon'ble Court be pleased
to Application praying that this Hon'ble Court be pleased to
punish the respondent for wilful disobedience of this Hon'ble
Court's order dated January 11, 2019 passed in O.A. No.52 of
2019 in C.S. No.51 of 2019.

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

This Application is filed seeking to punish the Respondent for wilful disobedience of the order of this Court, dated 11.01.2019 passed in O.A.No.52 of 2019 in C.S.No.51 of 2019.

2. This Court, by an order dated 11.01.2019 in O.A.No.52 of 2019 in C.S.No.51 of 2019, has granted temporary interim order of injunction restraining the defendant/respondent viz. Mr.Divyaruban Mathivanan carrying on business as sole proprietor in the name and style 'GK Cinemas', his agents, men acting under the defendant and/or any one/any entity claiming to act under the defendant from acting pursuant to the termination notice dated 03.01.2019 (plaint Document No.11) till the next listing, which shall be on 25.01.2019. Further, this Court made it clear that if the cheque for Rs.1,65,00,000/- (Rupees One Crore Sixty Five Lakhs only) sent to the Plaintiff by the Defendant under the termination notice is not deposited on the next working day with the Registrar General of this Court, i.e., 18.01.2019, this interim order will automatically stand vacated.

3. After subsequent hearings, this Court, on 19.03.2019, passed the following order:

"Detailed arguments have been advanced in this matter today.

2.The Defendant agrees to restore the *status quo ante*, as per the order of this Court, dated 11.01.2019.

3.This Court finds that there is prima facie case made out for contempt. However, on consideration of the fact that the junior counsel appearing for the Defendant has addressed arguments fairly and neatly, this Court is inclined to show indulgence to the party to enable them to restore the *status quo ante* prior to the termination notice, dated 03.01.2019, failing which, appropriate orders

in the Contempt Petition would be passed.

4. The Defendant **shall restore the status quo ante prior to the termination notice, dated 03.01.2019, in all four theatres on or before 25.03.2019, and report to this Court on 28.03.2019.**

5. Mr. N. L. Rajah, learned Senior Counsel appearing for the Plaintiff submitted that he is willing to instruct the Counsel on record for the Plaintiff to instruct the Plaintiff to file an Affidavit to the effect that the Equipment has to be handed over to the Defendant for the purpose of restoration of service connection in the 4th Theatre also.

6. **List this matter on 28.03.2019.**"

3. Since the order dated 11.01.2019 passed by this Court has been complied with, learned counsel for the Applicant submitted that the above Application may be closed with liberty to the Applicant to adjudicate on other points in the pending Suit.

4. **Taking note of the submissions made by the learned counsel for the Applicant, this Application is closed,** with liberty to the Applicant to adjudicate on other points in the pending Suit.

Sd./- S.V.N.J

28.03.2019

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

GJM/8.4.19

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