

Application No.3297 of 2019

in

Civil Suit No.250 of 2019**S.VAIDYANATHAN,J.**

The 3rd Defendant in the Suit has come up with this Application seeking to vacate the order of interim injunction dated 22.04.2019 granted by this Court in O.A.No.372 of 2019 in C.S.No.250 of 2019.

2. A reading of the Copyright Agreement dated 14.10.2017 entered into between the 1st Defendant and the 2nd Defendant and the Distribution Agreement dated 03.01.2018 entered into between the Plaintiff and the 1st Defendant, with regard to distribution of the Suit film titled “Kalavani-2”, clearly reveals that the 3rd Defendant is the Director and Producer of the Suit film and that there was no Agreement between the Plaintiff and the 3rd Defendant. Also, there is no Agreement between the 3rd Defendant and Defendants 1 and 2, with regard to giving the rights of the film to them. It is seen that there was only an Agreement dated 15.12.2017 between the 3rd Defendant and the lead Star of the Suit film, Actor Vemal and that the said Agreement does not give any right to the Plaintiff to have an interim order in his favour, thereby stalling the release of the Suit film.

3. It is no doubt true that Censor Board Certificate has been obtained only on 01.04.2019. However, it clearly states that the Applicant/3rd Defendant is the Producer of the Suit film and there is no Agreement entered into between the Applicant/3rd Defendant and the

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(aeb)

Hence, this Court is of the view that continuance of the interim order dated 22.04.2019 granted by this Court in O.A.No.372 of 2019 is unnecessary and the same is vacated.

4. However, it is open to the Plaintiff to seek relief against the other two Defendants in the present Suit or file necessary Application seeking modification of the relief.

25.04.2019

Note to Registry:

- (i) Issue copy of this order on or before 29.04.2019.
 - (ii) List the Civil Suit for hearing in the first week of June 2019.
- (aeb)

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