

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

CORAM

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

C.S.No.430 of 2018

&

O.A.No.610 of 2018

S.Haja Mohideen

...Plaintiff

Vs.

1.J.Selvakumar

2.Miraacle Movies,
Shyamala Gardens,
Off.Arcot Road,
Saligramam, Chennai – 600 093.

3.M/s.Gemini FX,
rep by its Manager (Lab-Incharge),
Vembuliamman Kovil Street,
Virugambakkam, Chennai – 600 092.

4.QUBE,
No.42, Ranga Road,
Mylapore, Chennai – 600 004.

5.UFO
No.178/3 & 4, J.B.Towers,
Kumaran Colony main Road,
Vadapalani, Chennai – 600 026.

6.M/s.Prasad Xtreme Digital,
rep by its Manager (Lab-Incharge),
Arunachalam Road,
Saligramam, Chennai – 600 093.

...Defendants

Plaint filed under Order IV, Rule 1 of O.S.Rules and Order VII, Rule 1 of C.P.C., 1908, r/w Section 62 of the Copyright Act, 1957 praying for;

(i) For a declaration that the plaintiff is the sole, absolute and exclusive owner of the Limited Copyright of the Tamil Talkie Picture Titled "SERVAR SUNDARAM" (Tamil-color) in respect of the Distribution, Exhibition and Exploitation Rights regarding the areas of Chennai City, North Arcot, South Arcot and Chinglepet Districts as known in film trade, for a period of five years from the date of the first and general release of the said picture.

(ii) for a permanent injunction restraining the defendants herein, their men, agents, representatives, assignees, distributors or anybody claiming through or under them from in any manner infringing with the Limited Copyright of the plaintiff by Distributing, Exhibiting or Exploiting the Tamil Talkie Picture Titled "SERVAR SUNDARAM" (Tamil-color) in respect of the Distribution, Exhibition and Exploitation Rights regarding the areas of Chennai City, North Arcot, South Arcot and Chinglepet Districts as known in film trade or in any other manner whatsoever;

(iii) for the costs of the suit.

For Plaintiffs : Mr.A.Chidambaram

For Defendants : Mr.Vijayan Subramanian (for D.1)

JUDGMENT

This suit has been filed for the following reliefs:

(i) For a declaration that the plaintiff is the sole, absolute and exclusive owner of the Limited Copyright of the Tamil Talkie Picture Titled "SERVAR SUNDARAM" (Tamil-color) in respect of the Distribution, Exhibition and Exploitation Rights regarding the areas of Chennai City, North Arcot, South Arcot and Chinglepet Districts as known in film trade, for a period of five years from the date of the first and general release of the said picture.

(ii) for a permanent injunction restraining the defendants herein, their men, agents, representatives, assignees, distributors or anybody claiming through or under them from in any manner infringing with the Limited Copyright of the plaintiff by Distributing, Exhibiting or Exploiting the Tamil Talkie Picture Titled "SERVAR SUNDARAM" (Tamil-color) in respect of the Distribution, Exhibition and Exploitation Rights regarding the areas of Chennai City, North Arcot, South Arcot and Chinglepet

Districts as known in film trade or in any other manner whatsoever;

(iii) for the costs of the suit.

2. The learned counsel for the plaintiff submitted that they have settled the matter out of the Court and he has filed a memo to that effect, which reads as under;

"1. As per the out of Court settlement arrived at among the Plaintiff and the first defendant, the producer of the film titled "SERVAR SUNDARAM" (Tamil-Color), the plaintiff had agreed to receive a sum of Rs.12,50,000/- towards full and final settlement of the Copyright claimed by him in respect of the Distribution Rights of the suit film titled "SERVAR SUNDARAM" (Tamil-Color) for the areas of Chennai City, North Arcot, South Arcot and Chinglepet Districts as known in film trade, under the agreement dated 13.01.2017.

2. The plaintiff had also this day received the said sum of Rs.12,50,000/- from the first defendant by way of Banker's Cheque dated 27.08.2019, bearing No.313601 issued by Kotak Mahindra Bank Ltd., Valasaravakkam Branch, in full and final settlement thereof.

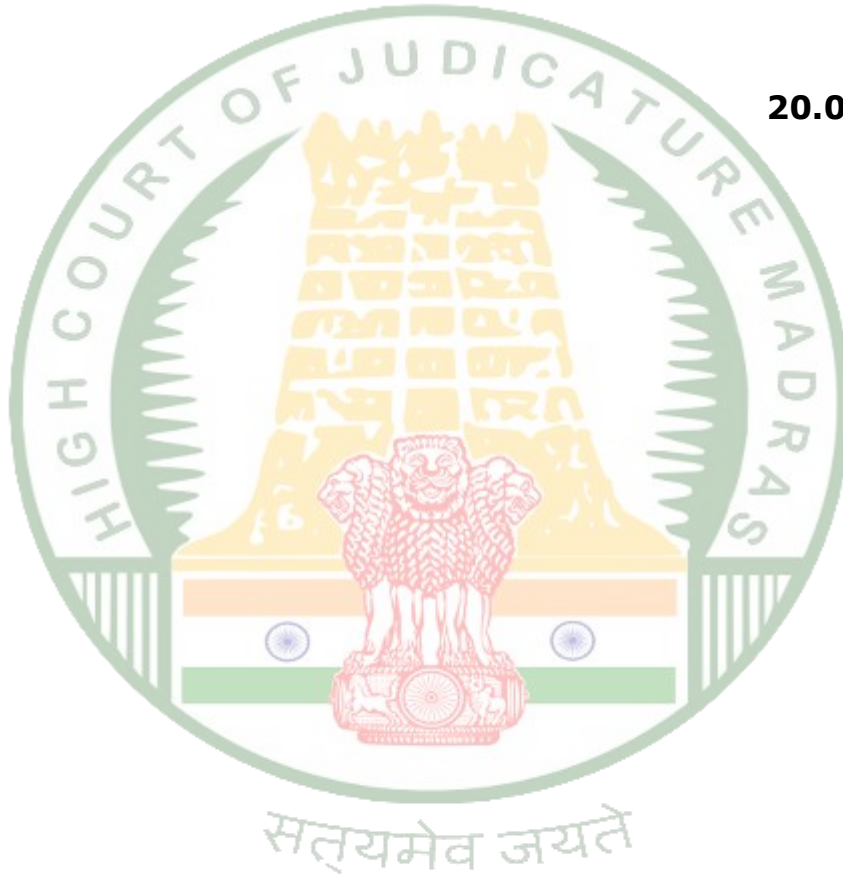
Therefore the plaintiff prays that this Court may be pleased to dismiss the above suit as settled out of Court without costs and the order of interim injunction granted by this Court in O.A.No.630/2018 dated 02.07.2018 restraining the release of the suit film titled "SERVAR

SUNDARAM" (Tamil-Colour) may also be vacated"

3. In view of the above memo stating that the matter was settled out of Court, this suit stands dismissed as withdrawn. No costs. Consequently, the connected Original Application is closed.

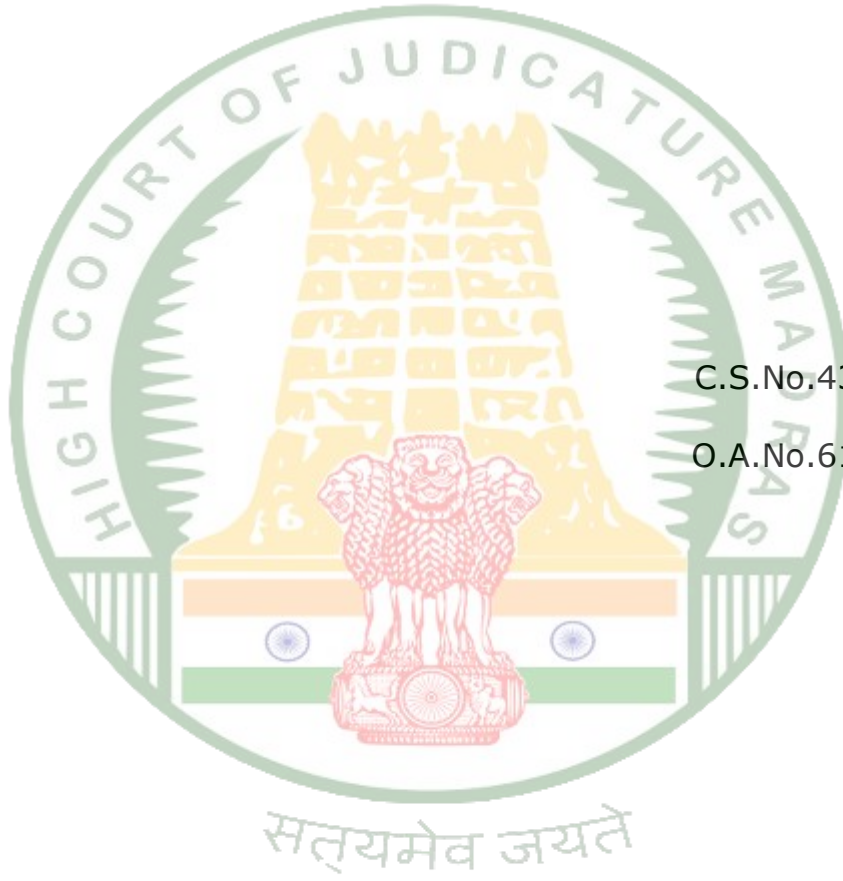
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