

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

**CRP(NPD) No.1707 of 2019 &
CMP.No.10958 of 2019**

S. Mathana Soloman

.. Petitioner

-vs-

1. South Indian Cine Television Artists and Dubbing Artists Union, represented by its President (Affiliated with FEFSI)
2. South Indian Cine Television Artists and Dubbing Artists Union represented by its General Manager (Affiliated with FEFSI) No.1/30, Vijayaraghavapuram, 4th Street, Saligramam, Chennai-93.

.. Respondents

Prayer: Civil Revision Petition under Section 115 of the Constitution of India against the order and decretal order in C.M.A.No.80 of 2018 on the file of XVI Additional City Civil Court, Chennai dated 18.02.2019 in reversing the order and decretal order in I.A.No.6665 of 2018 in O.S.No.2531 of 2018 on the file of XIII Assistant City Civil Court, Chennai dated 30.10.2018.

For Petitioner : M/s.R. Poornima

ORDER

The petitioner as a plaintiff filed a suit in O.S.No.2531 of 2018 before the XIII Assistant City Civil Court, Chennai for the following reliefs.

- a) for mandatory injunction restraining the defendant Union not to interfere in the union membership rights and employment opportunities of the plaintiff as a Dubbing Representative and

confirming the same to union members/producers/production managers through official communication and to to act on their own accord illegally;

b) restraining the defendant union from exercising its control against the union bye-law, in the appointments of Dubbing Representatives and directing the defendant Union to pay the cost of the suit.

2. Along with the suit, the petitioner has also filed an interim application in I.A.No.6665 of 2018 restraining the respondents from interfering with his functioning as a dubbing representative.

3. The respondent has filed a counter stating that the selection of dubbing representative is made by the Union and the petitioner/plaintiff has not been elected as a dubbing representative.

4. The trial court has granted interim injunction restraining the respondent from interfering in petitioner's union membership rights and employment opportunities as a dubbing representative pending disposal of the suit

5. Against the order of interim injunction granted by the trial court, the respondents preferred appeal in CMA.No.80 of 2018 before the XVI Additional City Civil Court, Chennai. The lower appellate Court has vacated the interim injunction granted by the trial court, against which, the present Civil Revision Petition is filed.

6. The lower appellate court, while vacating the injunction, observed that the petitioner/plaintiff has not made out prima facie case for grant of injunction pending lis and there is no hardship or struggle for the petitioner/plaintiff's survival as he is still happens to be the dubbing artiste and a member of union,

which means that the membership of the petitioner/plaintiff in the respondent union and his avocation as a dubbing artiste is intact and he can continue to do so.

7. The Lower Appellate Court has rightly found that his avocation as a dubbing artiste and his Membership is not interfered with by the respondent Union. The Union shall not interfere with his work as a dubbing artiste. At the same time, the petitioner's claim that he is the dubbing representative cannot be entertained. When such protection is granted, I do not find any discrepancy in the order passed by the trial court.

8. Learned counsel for the petitioner would submit that when the petitioner was a dubbing representative, he entered into several contracts with several production units and he wants to continue and complete the contracts.

9. It is open to the petitioner to continue and complete the contracts entered with the production units when he was holding the office of dubbing representative. It is for the producers to decide the point in accordance with law.

10. In fine, the Civil Revision Petition is dismissed with the above observation. No costs. Consequently, the connected CMP.No.10958 of 2019 is closed.

msr
Index:yes/No
Internet:Yes/No
speaking order/non speaking order

To

1. The XVI Additional City Civil Court, Chennai.
2. The XIII Assistant City Civil Court, Chennai

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M.GOVINDARAJ, J

msr



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