

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE R.HEMALATHA

O.S.A.No.174 of 2019

and

C.M.P.No.15305 of 2019

M/s.Shraddha Entertainment,
Represented by its Partner,
Mrs.Radha Krishnaswamy,
No.2, Seaface Road,
Palavakkam,
Chennai 600 041.

... Appellant

Vs

M/s.Shvedh, a Partnership Firm
Rep. by its partner Nitinsathya,
29, Bawa Road,
Abhiramapuram,
Chennai 600 018.

... Respondent

PRAYER : Appeal filed against the order dated 09.07.2019
made in O.A.No.548 of 2019 on the file of original side of
this Court.

For Appellant :Mr.Ravi
for Mr.Rugan and Arya

For Respondent :Mr.Vijayan Subramanian

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been filed by the plaintiff against the order passed by the learned single Judge in O.A.No.548 of 2019 dismissing the application, seeking an order of interim injunction restraining the respondent from encumbering or alienating or exhibiting or causing the exhibition of the next film i.e., the Tamil Cinematograph, starring Vaibhav, Venkat Prabhu, etc., and directed by SG Charles or any rights in and over such film or part thereof anywhere in the World and in any format, whatsoever, pending disposal of the propped arbitration.

2.Originally, Section 9 application filed to refer the matter for Arbitration based on production agreement entered into between the appellant and the respondent in respect of movie called "Jaragandi" alleging that the appellant sustained loss in the movie and based on the professional terms, the respondent has to make a next movie for the appellant. In the Section 9 petition, an application for injunction has also been filed. The same has been dismissed by this Court, against which the present appeal has been filed.

3.Heard Mr.Ravi, learned counsel for Mr.Rugan and Arya, learned counsel for appellant and Mr.Vijayan Subramanian, learned counsel for respondent.

4.It is stated by both the parties that as per the order of the learned single Judge, the matter has to be referred to Arbitrator as per the terms of the contract. Accordingly, Hon'ble Justice Mr.K.P.Sivasubramaniam (Retd.), has also been appointed as Arbitrator. Holding that the matter has been referred to the learned Arbitrator, the appeal is disposed of. It is made clear that as on date there is no order. It is also made clear that the learned Arbitrator would decide the matter without influenced by the orders passed by the learned single or by this Court. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

sai

To,
The Sub Assistant Registrar,
original side,
High Court, Madras

+1cc to Mr.Vijayan Subramanian, Advocate SR.No. 69579

+2ccs to Mr.Rugan and Arya , Advocate SR.No. 69523

O.S.A.No.174 of 2019

A.SK(19/08/2019)