

C.S.No.551 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.10.2019

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.551 of 2019 &

O.A.No.857 of 2019

Mr.B.Pradeep,
Proprietor of Diya Movies,
66/70, Palani Andavar Koil Street,
Vadapalani, Chennai – 600 026

... Plaintiff

Vs

1. Kross Pictures India Pvt. Ltd.,
201, 2nd Floor, Lalani Aura,
34th Road, Bandra (W),
Mumbai – 400 050

2. Kross Entertainment LLC,
11620, Wilshire Boulevard,
9th Floor, Los Angeles,
California – 0—25
United States of America

... Defendants

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Civil Suit filed under Order VII Rule of Civil Procedure Code, 1908 and
Order IV Rule 1 of the O.S. Rules 1956 read with Sections 51, 52, 55, 60 and 62

of the Copyright Act, 1957 and the Copyright (Amendment) Act, 2012 and Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No.4 of 2016 for the following decree and judgment :

[a] a declaration that the threat issued by the defendants through its counsel vide legal notice dated 21.08.2019 and 04.09.2019 is unjustified and groundless.

[b] a perpetual injunction restraining the defendants by themselves, their servants, agents, distributors, successors, assigns or any and/or all of them from in any manner threatening the plaintiff herein, directly or indirectly, in any manner by notices, advertisements, circulars, etc., regarding the use, production distribution or commercial exploitation of the Tamil language film "Kolaigaran" and thereby interfering and/or harming the business of the plaintiff in any manner whatsoever'

[c] permanent injunction restraining the defendants, their men, agents, successors-in-business, assigns, representatives or any person claiming through or under them from in any manner infringing or otherwise interfering with the

plaintiff's copyrights in the Tamil language cinematograph film 'Kolaigaran' in whole or in part;

[d] directing the defendants to pay, jointly and severally, a sum of Rs,2,00,00,000/- as liquidated damages on account of the unjustified and groundless threats made by the defendants and for infringing the plaintiff's copyrights in the Tamil language film 'Kolaigaran'.

[e] for costs.

For Plaintiff : Mr.Arun C.Mohan

For defendants : Mr.Rajesh Ramanathan

JUDGMENT

When the matter was taken up today, the learned counsel for the defendant submitted that they have already filed a suit in C.S.No.606 of 2019 claiming that the defendant is the owner of the copyright of the picture 'Kolaigaran'.

2. Since a suit has already been filed to establish the right of the parties,

this suit for injunction has become infructuous.

3. Accordingly, this suit is dismissed as infructuous. No cost.
Consequently, the connected application is closed.

17.10.2019

vrc

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order



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N.SATHISH KUMAR, J.

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