

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP. No.1102 of 2019 and

CMP. No.6008 of 2020

M.Thirugnanam

... Petitioner/Ist Respondent
Ist defendant

Vs.

1. V.Vishwamber

...Ist Respondent/Petitioner
Plaintiff

2. The Manager,
Gemini Industries and Imaging Limited,
No.28, Basangaru Colony,
West K.K.Nagar,
Chennai-600 078.

3. The Manager,
Qube Cinema,
No.42, Sr.Rangarao Road,
Mylapore, Chennai-4.

... Respondents2 & 3/
Respondents 2 & 3/
Defendant 2 & 3

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 03.03.2020 passed in I.A.No.02/2020 in O.S.No.1421/2020, on the file of VIII Assistant City Civil Court at Chennai extending the interim injunction granted on 26.02.2020 till 02.04.2020.

For Petitioner : Mr.C.Kasirajan
For Respondents : Mr.K.Raja

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O R D E R

This Civil Revision Petition has been filed to set aside the docket order dated 03.03.2020 passed in I.A.No.02/2020 in O.S.No.1421/2020, on the file of VIII Assistant City Civil Court at Chennai extending the interim injunction granted on 26.02.2020 till 02.04.2020.

2. The respondent has filed the suit for permanent injunction restraining the petitioner from releasing the film 'Paramapadham Vilayatu' on 28.02.2020. In the above said suit, the first respondent herein has filed an interlocutory application in I.A.No.2 of 2020 and the Court below has granted

the interim injunction under Order 39 Rule 1 & 2 of CPC on 26.02.2020 and the matter was posted on 03.03.2020. On 03.03.2020, the petitioner therein has filed vakalat and entered appearance and the trial Court was posted the said application on 02.04.2020. At the stage, the revision petitioner has filed this Civil Revision Petition before this Court.

3. The learned counsel for the petitioner would submit that the relief sought for by the first respondent herein is not to release the movie ''Paramapadham Vilayatu'' on 28.02.2020, which date got lapsed and the main suit itself became infructuous. The trial Court has failed to find out that the signature of the petitioner in the pro notes and the loan agreement are fabricated documents by the first respondent herein. The order of interim stay dated 26.02.2020 in I.A.No.2 of 2020 granted by the trial Court is perverse and unfair. Therefore, the learned counsel for the revision petitioner seeks to interfere with the order of the Court below.

4. The learned counsel for the first respondent would submit that the revision petitioner has borrowed a sum of Rs.45,00,000/- from the first respondent for meeting the production expenses of the movie ''Paramapadham Vilayatu'' and he assured that he will repay the loan amount as and when demanded by the first respondent or before releasing the said movie. Thereafter, the entire production of the said movie has been completed and the movie is scheduled to be released on 28.02.2020. When the first respondent asked to repay the loan amount, the petitioner was not inclined to repay the money and tried to cheat him. The first respondent has enclosed the promissory notes and the loan agreement between the petitioner and the first respondent. After perused all the documents, the trial Court has rightly granted the interim order, therefore, there is no reason to interfere with the order of the Court below.

5. Heard the learned counsel for both the parties as well as perused the materials available on record.

6. On a careful perusal of the records, it is seen that the petitioner herein has not filed any counter affidavit on 03.03.2020 before the trial Court and the first respondent herein has enclosed the necessary documents in the above said suit. In view of the submissions made by the learned counsel appearing for both the parties and also considering the limited scope of relief, this Court is inclined to direct the Court below to dispose of the interlocutory application in I.A.No.2 of 2020 in O.S.No.1421 of 2020.

7. In the light of the facts and circumstances of the case, this Court is inclined to pass the following orders:

i. The revision petitioner is directed to file the counter affidavit or vacate stay petition within one week from the date of receipt of order.

ii. The learned counsel for the petitioner shall file an advance petition before the court below to decide the aforesaid interlocutory application.

iii. The learned Judge, City Civil Court, Chennai, is directed to take up the application in I.A.No.2 of 2020 in O.S.No.1421 of 2020 and dispose the same within a period of two weeks thereafter.

iv. Both the parties are directed to cooperate with the proceedings before the trial Court.

8. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
VIII Assistant City Civil Court,
Chennai.

+1 cc to Mr.K.raja Advocate sr23326
+1 cc to Mr.C.Kasirajan Advocate sr23066

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