

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF OCTOBER 2020

THE HON'BLE MS. JUSTICE P.T.ASHA

O.A.No.519 of 2020

AND

A.Nos.2452 and 2454 of 2020

In the matter of Section 9 of
Arbitration and
Conciliation Act, 1996 and
In the matter of Production
Investment Agreement dated
31.10.2015.

In the matter of
Mr.K.Punniyamoorthy and another
with M/s.Photon Kathaas
Production Private Limited,
Represented by
Mr.S.Venkataramanan and another.

1. MR.K PUNNIYAMOORTHY,
S/O.G.KANNAN, aged about 41 years,
Residing at 5B, Riverheights Apartments,
315, Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.

2. Mr.D.K.Divyakannan,
S/o.Desingharajan,
residing at No.5B, Riverheights Apartments,
315, Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.

..Applicants in
O.A.No.519 of 2020 AND
A.Nos.2452 and 2454 of 2020

-Vs-

1. M/s.Photo Kathaas Production Private Limited,
Represented by its Director,
Mr.S.Venkataramanan,
Having its office at
No.19, Avenue Road, Nungambakkam,
Chennai-600 034.

2. Mr.Gautham Vasudev Menon
S/o.Uma Prabhakar Menon,
No. 61/3, Gandhi Street, Kanagama,
Taramani, Chennai - 600 113.

...Respondents

3. M/S.MX PLAYER
Having its Registered office at:
2nd Floor, Wing A,
Kanakia Wall Street, Village Chakala,
Andheri Kural Road,
Andheri East, Mumbai - 400 093.

4. M/S.AMAZON INDIA
Having its Registered office at
Brigade Gateway,
8th Floor, No.26/1,
Dr.Rajkumar Road,
Malleshwaram (W)
Bangalore-560 055,
Karnakata.

5. M/S.SONY PICTURES NETWORKS INDIA PVT LTD
Having its Registered Office at
4th Floor, Interface Building,
No.7, Off Malad Link Road,
Malad West, Mumbai-400 064.

6. M/S.VELS FILM INTERNATIONAL LIMITED
Having its Registered office at
No.521/2,
Anna Salai, Nandanam,
Chennai - 600 035.

7 .M/S.NETFLIX ENTERTAINMENT SERVICES INDIA LLP

Having its registered office at
Maker Maxity,
Level 7, 4th North Avenue,
Bandra Kurla Complex,
Bandra East Mumbai,
Mumbai - 400 051.

..3rd to 7th Respondents / Garnishees in
O.A.No.519 of 2020 AND
A.Nos.2452 and 2454 of 2020

O.A.No.519 of 2020:

Original Application praying that this Hon'ble Court be pleased to grant an order of Interim Injunction restraining the 2nd Respondent from in any manner directing, producing, exploiting, making, acting, selling or offering to sell and exhibiting, releasing, assigning, transferring, alienating Pledging, granting, assigning, licensing, or in any other manner alienating or encumbering any movie or web-series or short films in any form, royalty and obtaining financial benefit in any form including releasing it in any OTT Platform like Youtube, Netflix, amazon Prime, Hotstar, Time Studio Originals, ALTBalaji, Azeez 5, Voot, SonyLIV, VIC, Hoichoi etc inclusive of theatrical and Satellite Television Broadcast rights, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibiting the titles by means of wireless diffusion and by wire for communication to public through all medium including television medium pending disposal of the arbitral proceedings.

A.No.2452 of 2020:

Application praying that this Hon'ble Court be pleased to direct the 2nd respondent to submit Agreements, Documents and the Accounts and Income earned out of all short - films and web-series (both direction and production) from 2016 to till date before this Hon'ble Court pending disposal of the Arbitration proceedings.

A.No.2454 of 2020:

Application praying that this Hon'ble Court be pleased to pass a Prohibitory Order against the garnishee including royalty restraining and prohibiting them from paying any amount to the tune of Rs.9,76,25,000/- (Rupees Nine Crores Seventy Six Lakhs and Twenty Five Thousand only) and direct the garnishee to deposit the said amount to the credit of this application and consequently restraining and prohibiting the respondent, its agents, representatives or authorized persons from receiving any amount from the garnishee until further orders of this Hon'ble Court pending disposal of the Arbitration proceedings.

These Original Application and applications coming on this day before this court for hearing the court made the following order:

between the parties, the applicant is permitted to move the Arbitral Tribunal for the aforesaid reliefs. The Arbitral Tribunal shall consider the same in accordance with law.

Sd/.P.T.A.J.
16.10.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/22.10.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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