

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.12.2020

CORAM :

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

C.S.No.365 of 2020 &
O.A.688 of 2020 & A.No.3052 of 2020

Dr.Ilaiyaraaja

... Plaintiff

Vs.

1.Sai Prasad

2.A.Ramesh

3.Prasad Digital Laboratories,
28, Arunachalam Road, Saligramam,
Chennai – 600 093.

4.Prasad Productions Private Limited,
28, Arunachalam Road, Saligramam,
Chennai – 600 093.

... Defendants

PRAYER : Civil Suit filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of the Madras High Court Original Side Rules and Section 6 of Specific Relief Act, 1963 for the following judgment and decree :

a) Mandatory injunction directing the defendants to restore the possession of the plaintiff thereby grant repossession of the suit schedule premise to the plaintiff;

b) Permanent injunction restraining the defendants, their men, agents or anybody claiming under them in any manner disturbing the peaceful possession and enjoyment of the suit schedule property by the plaintiff, except by due process of law;

c) Mandatory injunction directing the defendants to hand over the materials and belonging of the plaintiff that were lying in the suit premise as on the date of his dispossession, at the same conditions;

d) Direct the defendants to pay a sum of Rs.50,00,000/- (Rupees Fifty Lakhs) as compensation for the mental agony, sufferings, loss of reputation caused to the plaintiff in view of the unlawful acts of restraining access to the suit premise and

e) To award costs of this suit.

For Petitioner : Mr.P.S.Raman, Senior Counsel
for Mr.K.Thiagarajan &
Mr.K.V.Sajeev Kumar

For R1 to R3 : Mr.P.H.Aravind Pandian, Senior Counsel
for Mr.Abdul Saleem

For R4 : Mr.T.V.Ramanujam, Senior Counsel
for Mr.S.Elambharathi

ORDER

(The case has been heard through video conference)

In pursuant to the orders passed by this Court dated 11.12.2020 and 22.12.2020 and the discussions held during the last hearing, today a memo on behalf of the plaintiff has been filed by the learned senior counsel. The plaintiff has also sworn an affidavit with regard to giving instructions to file such memo and asserting the statements made in the memo. The scanned copy is also filed before this Court and the memo is also signed by the learned counsel appearing on behalf of the plaintiff and hot copy of both memo and affidavit shall be filed before this Court by the plaintiff.

2. From the memo as suggested by this Court and the discussion went in the last hearing, the plaintiff will be allowed to enter the premises for one day with assistance of the Advocate Commissioner appointed by this Court and the plaintiff will be allowed to enter the room where he composed his music for the last 35 years. On the particular day at the relevant time of his entry, the defendants shall make endeavour to see that nobody is present inside room. It is now stated by both the learned counsel that the room originally used by the plaintiff is

now converted as a IT room of the defendants. Therefore learned counsel for the defendants also agreed that when the plaintiff is allowed inside the room and no body will be permitted inside the room and plaintiff can be present in the room between the fixed time by this Court.

3. Accordingly permission is accorded to the plaintiff to visit the place which was required by him to meditate for one day. When the plaintiff is meditating inside room, simultaneously the material belonging to the plaintiff kept in the separate room at the same premises shall be removed by engaging Packers and Movers and the same shall be engaged by the defendants.

4. Before moving the materials belonging to the plaintiff the Commissioner appointed by this Court shall take inventory of the materials kept in the separate room. It is also made clear that at the time of entry of the plaintiff to the premises only three members would be permitted ie., the one personal assistant and two music assistants besides Commissioner shall also accompany with the plaintiff. It is also made

clear that while entering or when the plaintiff is in the premises both the plaintiff and the defendants shall not engage any altercations against each other and in the event they want to pass on any message to the other side it has to be done only through the Advocate Commissioner appointed by this Court and there shall not be any exchange of arguments personally between the plaintiff and the defendant questioning the rights.

5. It is also admitted by the plaintiff to withdraw the suits pending in O.S.No.7315 of 2019 pending on the XVII Assistant City Civil Court, Chennai and also withdraw the two Criminal complaints given against the defendants. It is also stated by the learned Senior Counsel appearing for the plaintiff that the memo for withdrawal of the suit before the 17th Assistant City civil Court, Chennai is already filed and pending. The parties have agreed to bury their differences and give a quietus to the entire dispute existing between them. The claim for damages is also given up by the plaintiff which is also stated in the memo and assertion also made in the affidavit. It is also made clear that the date of entry into the premises shall be decided by the learned counsels appearing for the

plaintiff and the defendants in consultation with the Advocate Commissioner appointed by this Court.

6. For smooth exercise and for entry for the plaintiff to the premises and exit on the same day to over see the above this Court appoints Mr.V.Lakshmi Narayanan, Advocate, as an Advocate Commissioner and the Advocate Commissioner shall take assistance of Mr.Naveen Kumar Moorthy, Advocate to take inventory of the goods and materials kept in the premises of the defendants. The Advocate Commissioner fees is fixed at Rs.1,25,000/- and to Mr.Naveen Kumar Moorthy fees is fixed at Rs.75,000/- and the above amount shall be borne by both sides equally.

7. It is also made clear that the plaintiff can enter the premises between 9:00 a.m to 4:00 p.m. Advocate Commissioner appointed by this Court should ensure that the timing fixed by this Court is adhered properly. It is also the discretion of the Commissioner to extend the time according to the circumstances prevailing at the relevant point

of time but at any event time period shall not exceed after 5:00 p.m. for taking inventory. It is also apprehension by the defendants' side that as the plaintiff is a celebrity, famous music director and having large followers of fans and his entry will cause a serious problem and number of fans will gather which will lead to law and order problem. Above apprehension also cannot be ignored. Taking note of the above, this Court directs the Commissioner of Police, Chennai to provide security and prevent crowd while the plaintiff enters the defendants' premises in the date fixed as agreed by both sides. It is open to both sides counsel to be in the premises on the date of plaintiff's entry in the premises.

8. Such view of the matter, when the matter itself settled between the parties, nothing survives for adjudication in the suit.

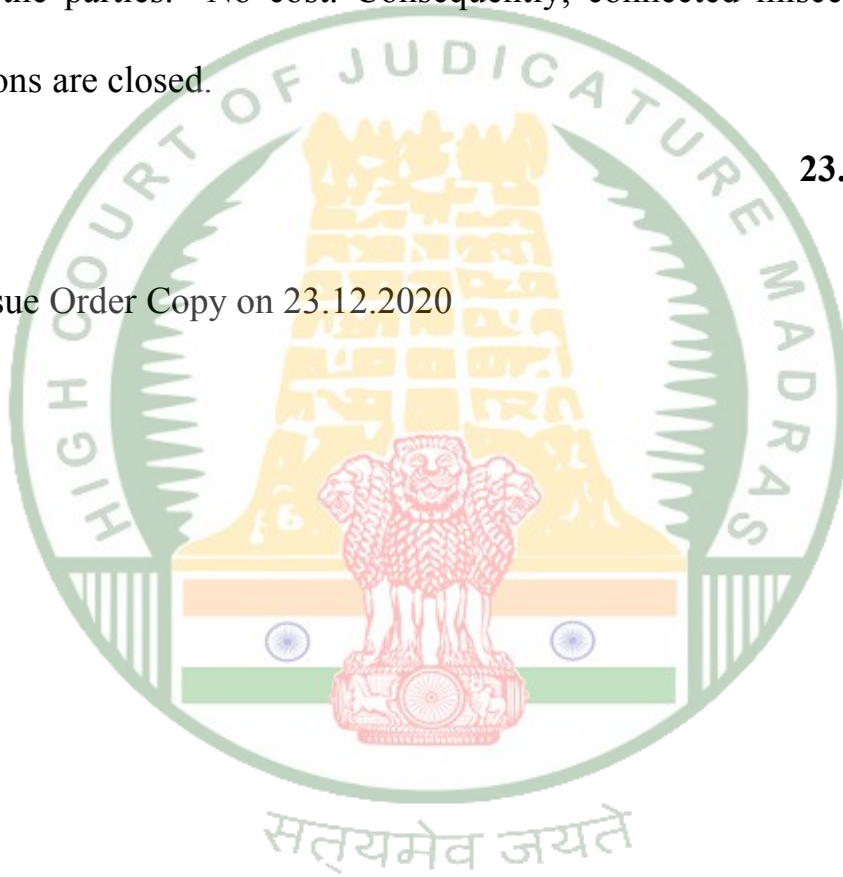
9. Accordingly the suit is disposed of. It is also submitted by both sides counsel that no party will claim anything against each other. This Court also appreciate Mr.K.Thiagarajan, Mr.K.V.Sajeev Kumar,

Mr.Abdul Saleem and Mr.S.Elambharathi counsels on record and Mr.P.S.Raman and P.H.Aravind Pandian, Mr.T.V.Ramanujam, Senior Counsels for their valuable time spent in bringing amicable settlement between the parties. No cost. Consequently, connected miscellaneous applications are closed.

23.12.2020

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Note : Issue Order Copy on 23.12.2020

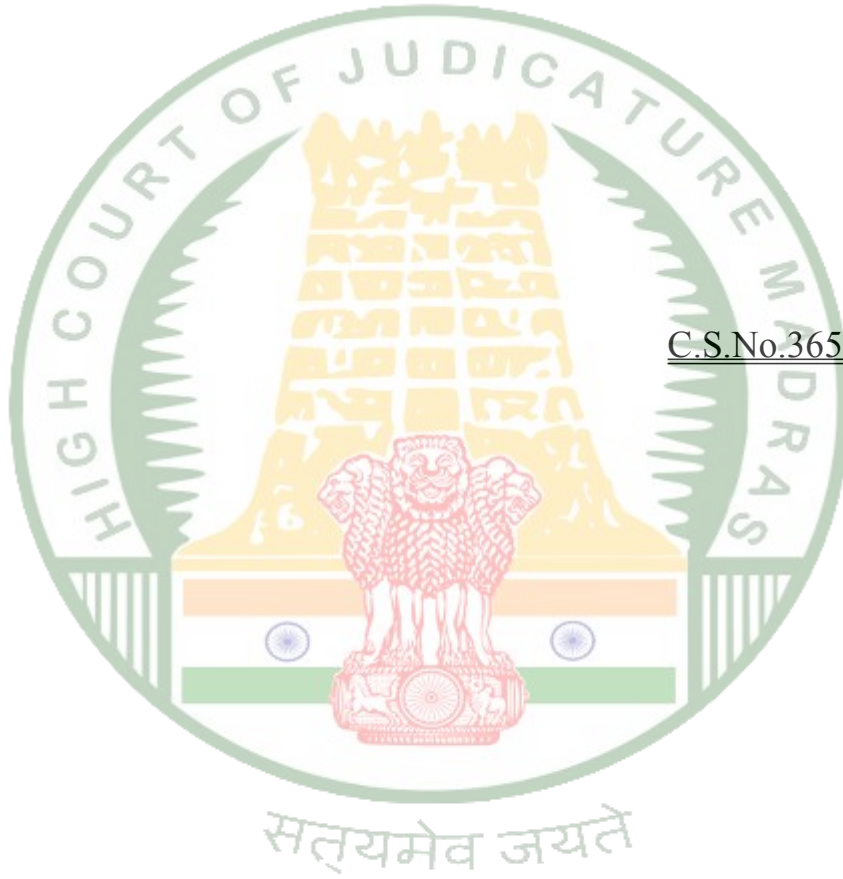


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