



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 11TH DAY OF FEBRUARY 2020

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

A.No.6623 of 2019

in

C.S.No.116 of 2019

In the matter of Copy Rights
Act, 1957 & the Commercial
Courts, Commercial Division
and Appellate Division of High
Courts Act, 2015 (4 of 2016)

Five Star Films Pvt. Ltd.,
Represented by its Director
Mrs.K.Kalaiselvi
No.3/66, 7th Street, Sree Sayee Nagar,
Virugambakkam, Chennai 600 092. :Applicant/Plaintiff

-Versus-

1. Sri Thenandal Films,
Represented by its Proprietor
Mr.Ramasamy Narayanan alias Murali
No.8, 80 Feet Road,
Thevar Thottam, Saligramam,
Chennai 600 093.

2. M.Atlee alias Arunkumar
No.12B, Unique Apartments,
Nehru Nagar 1st Street,
Adyar, Chennai 600 020.

3. M/s. Sathya Movies
Rep.by its Managing Partner
Mrs.V.Rajammal
No:11, Sadhasivam Street,
Gopalapuram, Chennai 600 086. :Respondents/Defendants

A.No.6623 of 2019:

Application praying that this Hon'ble Court be pleased
to pass an order of Amendment of the plaint as detailed

**Details of Amendments:****In Page 13 of the Complaint: Paragraph..17****Add**

"c)under sec 25 c of the Tamil Nadu Court Fees and suit Valuation Act read with Appendix 1A of Order II of Original Side Rules at Rs.5000 and paid a court fee of Rs.375/- is paid"

In Page 13 of the Complaint: in the Prayer Column**Add**

"ii(a) to declare that the Tamil Movie 'Mersal' directed by the 2nd Defendant and produced by the 1st defendant is the copy and infringement of the limited copyrights of the Tamil Film "Moondru Mugam" now owned by the Plaintiff as per assignment dated 2.8.2007 and 22.3.2014"

In Page 16 of the Complaint: in Memo of Valuation**Add**

	Value	Court Fee
"3. For the Relief of declaration	Rs.5,000	Rs.375/-

This Application coming on this day before this court for hearing, the Court made the following order:

Affidavit filed along with an application to amend the complaint to include the following prayer:-

"To declare that the Tamil Movie 'Mersal' directed by the 2nd defendant and produced by the 1st defendant is the copy and infringement of the limited copyrights of the



Tamil Film 'moondru Mugam' now owned by the plaintiff as per assignment dated 02.08.2007 and 22.03.2014.”

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2. The suit originally filed on 06.12.2018 is towards damages and infringement of copyright and for permanent injunction. The suit was presented before the Commercial division, since the dispute is in respect of copy right and falling within the definition of commercial dispute. After, lapse of eight months, the present application is filed. The plaintiff thought fit to seek a declaratory prayer relying upon assignment dated 02.08.2007 and 22.03.2014.

3. The affidavit does not disclose how and why the plaintiff claim of assignment based on the two documents though prior to the suit not brought in the plaint and why the relief of declaration not sought at the first instance. As per Commercial Courts Act, the defendant's right to file written statement will get forfeited, if he fails to file the written statement within 120 days. While so, when there is time restriction for the defendant, the plaintiff also have the obligation to settle his pleadings before the time expired for the defendants. He cannot leisurely try to amend the plaint regarding the facts, which are within his knowledge even at the time of filing the suit.

4. Hence, the application is dismissed.



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5. List the suit on 05.03.2020 for further proceedings.

Sd./-G.J.J

11.02.2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

JJ 18/02/2020

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.