

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (NPD) 2860 of 2019
and
C.M.P. 18687 of 2019

M/s.Flash Films,
rep. by its Proprietor
Swarnah Sethuraman

... Petitioner

Versus

M/s.White Shadows Productions,
rep. by M.Naveen

... Respondent

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the final order in C.M.P. 1 of 2019 in C.M.A. 25 of 2019 dated 04.07.2019, on the file of III Addl. City Civil Court, Chennai.

For Petitioner : Mr.S.Sivaraman

For Respondent : Mr.M.Sivarathnam

ORDER

This Civil Revision Petition has been filed challenging the order passed by the lower appellate court suspending the injunction granted by the Trial Court in favour of respondent.

2. The petitioner is a plaintiff in the suit. The petitioner has filed a suit for bare injunction restraining the respondent from releasing the movie viz., "Alavudinin Arputha Camera" anywhere in Tamil Nadu. Pending suit, the petitioner/plaintiff has filed an application seeking for interim injunction in I.A. 2 of 2019, and the Trial Court, after hearing the parties, has granted injunction. Challenging the same, the respondent/defendant has filed an appeal in C.M.A. 25 of 2019. In the said appeal, the respondent herein filed an application for suspension of injunction granted by the Trial Court. Earlier, the lower appellate court by an order dated 04.07.2019 suspended the interim injunction on condition, to deposit a sum of Rs.5,00,000/-. Subsequently, the interim injunction was made absolute. Now, challenging the same, the present Civil Revision Petition has been filed.

3. Mr.S.Sivaraman, learned counsel appearing for petitioner would submit that, when C.M.A. is pending, the lower appellate court ought not to have conducted a detailed enquiry in the interim injunction application, instead, the learned lower appellate court ought to have disposed the C.M.A. itself. Without doing so, the lower appellate court has made the interim order as absolute, pending suit, on condition to deposit a security sum of Rs.5 lakhs.

4. Per contra, Mr. M.Sivarathnam, learned counsel appearing for respondent would submit that, he was always ready and willing to argue the appeal, but only considering equities, the order of injunction was granted. However, the movie was not released so far.

5. I have heard and considered the submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for respondent and perused the materials available on records carefully.

6. Considering the fact that, the appeal is still pending, without going into the merits and demerits and contentions raised in the interim application, the lower appellate court viz.,

III Addl. Judge, City Civil Court, Chennai is directed to dispose the appeal in C.M.A. 25 of 2019 within a period of two weeks from the date of receipt of the copy of this order after hearing both the parties in accordance with law. At this stage, the learned counsel appearing for petitioner has given an undertaking that, they will not release the movie till the disposal of Civil Miscellaneous Appeal. His undertaking is recorded. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is also closed.

27.01.2020

Index:Yes/No
Internet:Yes/no
Speaking Order/Non Speaking Order
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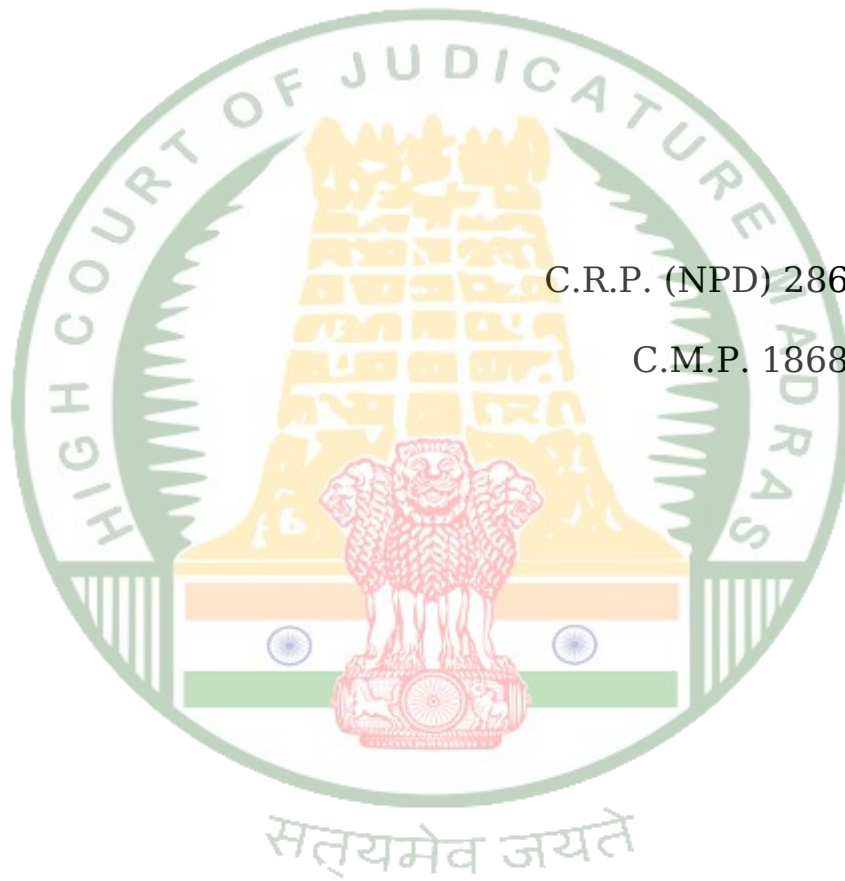
To

III Addl. Judge,
City Civil Court,
Chennai

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V.BHARATHIDASAN,J.

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