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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 3RD DAY OF JANUARY 2020

THE HON'BLE DR. JUSTICE JAYACHANDRAN

A.No.9711 of 2019
in
C.S. No.373 of 2019

In the matter of Copy Right
Act, 1957 and
In the matter of Tamil Film
titled "SADURANGAVETTAI-2"

C.J.Jayakumar,
Proprietor of Cameo Films,
having Office at No.59,
Vijayaraghava Road,
T-Nagar, Chennai - 17.

... Plaintiff

-Versus-

1.K.Gangatharan,
Proprietor of Cinema City,
No.2, Venkatesh Nagar Main Road,
Virugambakkam,
Chennai - 600 092.

2.M.Manobala,
Proprietor of Picture House,
No.9/17-S3, 3rd Floor,
Neelakanda Metha Street,
T.Nagar, Chennai - 600 017.

3.Tamil Film Producers Council,
Represented by its President,
No.606, Anna Salai,
Film Chamber Compound,
Chennai - 600 006.

4.Chennai, Kanchipuram Tiruvallore,
Film Distributors Association,
Represented by its President,
23, Meeran Sahib Street,
Anna Salai, Thiruvallikeni,
Chennai - 600 002.

... Defendants

**A.No.9711 of 2019:-**

M.Manobala,
Proprietor of Picture House,
No.9/17-S3, 3rd Floor,
Neelakanda Metha Street,
T.Nagar, Chennai - 600 017.

..Applicant

-Versus-

1.C.J.Jayakumar,
Proprietor of Cameo Films,
having Office at No.59,
Vijayaraghava Road,
T-Nagar, Chennai - 17.

2.K.Gangadharan,
Proprietor of Cinema City,
No.2, Venkatesh Nagar Main Road,
Virugambakkam,
Chennai - 600 092.

3.Tamil Film Producers Council,
Represented by its President,
No.606, Anna Salai,
Film Chamber Compound,
Chennai - 600 006.

..Respondents

Application praying that this Hon'ble Court be pleased to condone the delay of 146 days in filing the Written Statement of the Applicant/2nd Defendant in C.S.(Comm. Div.) No.373 of 2019.

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

This application is filed to condone the delay of 146 days in filing the written statement of the applicant/2nd defendant in the suit.

2.The dispute falls under the definition of Commercial dispute as per the Commercial Courts Act. Therefore, the defendants are bound to file written statement within 30 days from the date of receipt of the suit summon and further period of 90 days is permitted with condone delay



application properly explaining reason for the delay.

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3. In this case, the written statement is filed beyond the time prescribed under the statute. Hence, this application to condone the delay of 146 days cannot be entertained. The 2nd defendant is already fortified in filing the written statement.

4. However, the learned counsel appearing for the applicant/2nd defendant submits that in O.A.Nos.603 and 4119 of 2019, the 2nd defendant/applicant herein has filed counter which may be taken as defence at the time of final disposal.

5. At his request, the said counter will be duly considered at the time of final disposal. Accordingly, this application to condone the delay of 146 days in filing the written statement of the 2nd defendant/applicant herein is dismissed.

Sd./-G.J.J
03.01.2020

//Certified to be true copy//
Dated at Madras this the day of 2020.

JJ 08/01/2020

COURT OFFICER(O.S.)

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