



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 5TH DAY OF AUGUST 2021

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

A.No.1507 of 2015

in

C.S.No.821 of 2009

Pyramid Saimira Production International Limited,
Rep. by its Director N.Narayanan,
C1, II Floor, "Temple Tower"
672, Anna Salai Nandanam,
Chennai-600 035.

..Plaintiff

-Vs-

1.M/s.Rajkamal Films International,
Rep. by its Partners
Mr.Chandra Hasan,

2.Mr.Chandra Hasan
Partner M/s.Rajkamal Films International

3.Mr.Kamal Hasan,
Partner M/s.Rajkamal Films International,

All at New No.4, Old No.172, Eldams Road,
Alwarpet, Chennai-600 018.

..Defendants

A.No.1507 of 2015:

1.M/s.Rajkamal Films International,
Rep. by its Partners
Mr.Chandra Hasan,

2.Mr.Chandra Hasan
Partner M/s.Rajkamal Films International



plaintiff have been created for the purpose of shooting of the film "Marmayogi", which are stored in its godown at Sholinganallur.

2.The suit in C.S.No.821 of 2009 is a simple suit for recovery of money on the ground that the plaintiff had advanced monies to the defendants for production of the movie and the defendants have not done anything for production of the said movie. It is claimed that the funds provided by the plaintiff have been diverted for yet another movie produced by the defendants.

3.In defence, the defendants would contend that they had made various preparations for commencing production of the movie. Since the storyline is a historical one, which involves creation of so much infrastructure to begin the shooting itself. Therefore, according to the defendants, they had invested all the monies in creation of such infrastructures and all those materials that were created for the purposes of shooting are lying in the godown of the defendants situate at No.1, Elcot Avenue, Sholinganallur, Chennai - 600119. Claiming that these materials created for the purposes of shooting are the subject matter of the suit and they have to be protected under Order 39 Rule 7 of C.P.C., this application has been taken out.

4.I have heard Mr.K.S.V.Prasad, learned counsel appearing for the applicant and Mr.A.Chidambaram, learned counsel appearing for the



respondent.

WEB COPY

5. As already point out, the suit is one for recovery of money, these materials are not subject matter of the suit. It is the case of the defendants that these materials have been created with the money advanced by the plaintiff for the purposes of the movie 'Marmayogi'. If the defendants had spent monies for creation of these materials, they should definitely have documentary evidence for the payments made. The defendants can produce such documentary evidence, in order to disprove the claim of the plaintiff that the funds provided by the plaintiff have been diverted.

6. By no stretch of imagination, can it be said these materials, which are lying in the godown of the defendants are subject matter of the suit. Order 39 Rule 7 of C.P.C., is meant for preservation of property, which is the subject matter of the suit. Admittedly, no property is in dispute in the suit in C.S.No.821 of 2009, I therefore, see no reason to appoint a Commissioner to take inventory or preservation of these materials. This application fails and it is accordingly, dismissed.

Sd./-R.S.M.J
05.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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

JJ 16/08/2021