



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 01ST DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S. No.771 of 1999

In the matter of Copy right Act, 1957

and

In the matter of Hindi films 'JULIE'
and 'RAM AUR SHYAM'

1.Hitesh Jabak

Proprietor

Sree Vignesh Creations,

No.24, Veerappan Street,

Sowcarpet, Chennai – 600 079.

2.G.R.Raju

Proprietor M/s.Vijay Vision,

A-4, Jains Crescent Park, Phase – II,

No.24, Rathnamal Road,

Rangarajapuram,

Chennai – 600024.

(2nd plaintiff impleaded as per order dated

04.06.2007 in Appln.No.3211 of 2007 extended

dated 24.09.2007 in C.S.No.771 of 1999)

...Plaintiffs

Vs.

1.Kishendas Chabra & Co.

Rep. By its Partner Sunil Chhabra,

3-A, Naaz Building,

Lamington Road, Mumbai – 400 004.

2.Ramsons Enterprises,

Rep. By its Partner Sunil Chhabra,

3-A, Naaz Building,



Lamington Road, Mumbai – 400 004.

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3.Nagi Reddy Charities,
Chandamama Buildings,
No.2 & 3, N.S.K.Salai,
Vadapalani, Chennai – 600 026.

4.Vijaya Productions Pvt. Ltd.,
No.183, N.S.K.Salai,
Vadapalani, Chennai – 600 026.

...Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a decree and judgement in favour of Plaintiff

a) for the relief of declaration, declaring that the 2nd plaintiff is the absolute owner having the rights of Video copy rights, Cable TV rights, DVD, CVD, High seas rights, Air borne rights, Satellite and Pay T.V rights for the territories of entire world including India in respect of the suit pictures Julie and Ram Aur Shayam for a period of 10 years from 29.04.1999.

b) a permanent injunction restraining the first and second defendants their agents, servants, each and every person or persons claiming through them or under them from interfering with the copy rights of the 2nd plaintiff having right of Video copy rights, Cable TV rights, DVD, CVD, High seas rights, Air borne rights, Satellite and Pay T.V rights in respect of the suit pictures Julie and Ram Aur Shyam.

c) cost of this suit,



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This suit coming on this day before this Court for hearing in the presence of M/s.M.Vidhya, Advocate for the plaintiffs herein and Mr.A.Umashankar Advocate for the defendants 1 & 2 and Mr.C.Seethapathy for Mr.P.L.Narayanan, Advocate for the 4th defendant herein, and the 3rd defendant herein, not appearing in person or by advocate and upon reading the plaint filed herein and this Court having observed that as seen from the very prayer, the period of the copyright assignment itself only for 10 years from 29.04.1999, which expired long back, therefore, nothing survives in the suit, the plaintiff has no chance to succeed in the suit, it is ordered as follows:-

That the suit in C.S.No. 771 of 1999, be and is hereby dismissed under rule 3(a) of order XIII-A of the Code of Civil Procedure as amended by the Commercial Courts Act, 2015.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
01ST DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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C.S. No.771 of 1999

ORDER

DATED : 01.07.2021

THE HON'BLE MR.JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 20/07/2021

APPROVED ON: 22/07/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.771 of 1999

1.Hitesh Jabak

Proprietor

Sree Vignesh Creations,

No.24, Veerappan Street,

Sowcarpet, Chennai – 600 079.

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Proprietor M/s.Vijay Vision,

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3.Nagi Reddy Charities,

Chandamama Buildings,

No.2 & 3, N.S.K.Salai,

Vadapalani, Chennai – 600 026.



4. Vijaya Productions Pvt. Ltd.,
No.183, N.S.K.Salai,
Vadapalani, Chennai – 600 026.

...Defendants

Prayer: Complaint filed under Sections 55 & 62 of the Copy Right Act, 1955 r/w. Order IV Rule 1 of the Original Side rules r/w. Order VII Rule 1 of C.P.C., praying as follows:-

a) for the relief of declaration, declaring that the 2nd plaintiff is the absolute owner having the rights of Video copy rights, Cable TV rights, DVD, CVD, High seas rights, Air borne rights, Satellite and Pay T.V rights for the territories of entire world including India in respect of the suit pictures Julie and Ram Aur Shayam for a period of 10 years from 29.04.1999.

b) a permanent injunction restraining the first and second defendants their agents, servants, each and every person or persons claiming through them or under them from interfering with the copy rights of the plaintiff having right of Video copy rights, Cable TV rights, DVD, CVD, High seas rights, Air borne rights, Satellite and Pay T.V rights in respect of the suit pictures Julie and Ram Aur Shyam.

c) cost of this suit,

d) such further or other orders that this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Plaintiffs : M/s.M.Vidhya

For Defendants : Mr.A.Umashankar for D1 & D2

Mr.C.Seethapathy for

Mr.P.L.Narayanan for D4

D3 – No appearance

**JUDGMENT**

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The suit relates to copyright of movies “Julie” and “Ram Aur Shayam” and the reliefs sought for a declaration that the second plaintiff is the absolute owner having right of Video copy rights, Cable TV rights and other rights to broadcast the movie through Satellite channels for a period of 10 years. Injunction is also sought for to restrain the defendants from interfering with the rights of the plaintiff.

2.As seen from the very prayer, the period of the copyright assignment itself only for 10 years from 29.04.1999, which expired long back, therefore, nothing survives in the suit. The plaintiff has no chance to succeed in the suit. This suit is therefore, dismissed under Rule 3(a) of Order XIII-A of the Code of Civil Procedure as amended by the Commercial Courts Act, 2015. No costs.

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

01/07/2021

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Dated at Madras this the day of 2021.

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List of witness and documents filed on the side of the plaintiffs:<https://hcservices.ecourts.gov.in/hcservices/>

Nil



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List of witness and documents filed on the side of the defendants:

Nil

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

01/07/2021

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Dated at Madras this the day of 2021.

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