



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S.No. 644 of 2000

In the matter of Copy Right
Act, 1957 and

In the matter of Malayalam
feature film "Hitler Brothers"

A.S. Saleem,
Proprietor,
M/s. Janani Combines,
No.12, Kavarai Street,
Vadapalani,
Chennai – 600 026.

... Plaintiff

-Vs-

1. Rafa International,
Rep.by its Proprietor,
P.M. Abdul Latheef,
23-A, North Boag Road,
T.Nagar, Chennai – 600 017.
2. Asianet Communications Ltd.,
Rep.by its Director Programming,
Prem Menon,
No.1-C, Apex Plaza,
3, Nungambakkam High Road,
Chennai – 600 034.
3. Swetha Films,
Rep.by its Proprietor,
E.A. Unikrishnan,
Guruvayoor Road,
Punkunnam, Trissur,
Kerala – 680 002.

... Defendants



Civil suit praying that this Hon'ble Court may be pleased to pass a

Decree and Judgment in favour of the Plaintiff

a) for a relief of declaration declaring that the Plaintiff is the absolute copy right owner in respect of Satellite rights for Terrestrial Television and Satellite Television Broadcast, including the rights in respect of Direct to Home (Direct Satellite), DD-4 (Movie Club) and for communication to the public through Television Broadcast in respect of the suit Malayalam picture “Hitler Brothers” starring Babu Antony, Premkumar, Jagathy Srikumar and others, directed by Santhya Mohan, telecasting the suit picture for the territory of the entire world;

b) for a permanent injunction restraining the Defendants their agents, men, servants or anybody operating under them from telecasting or in any manner dealing with the suit picture “Hitler Brothers” starring Babu Antony, Premkumar, Jagathy Srikumar and others, directed by Santhya Mohan;

c) cost of the suit

This Civil Suit coming on this day before this court for hearing in the presence of Mr.V.V.Giridhar, Advocate for the Plaintiff herein and Mr.Perumbulavil Radhakrishnan, Advocate for the 2nd Defendant herein and

upon reading the Plaint filed herein and this Court having observed that the



Plaintiff was entitled to the copyright of the movie for 15 and half years from the date of the agreement i.e., 06.03.1997 and the period of 15 and half years is over and nothing survives in the suit, **it is ordered as follows:-**

That the suit in C.S.No. 644 of 2000 be and is hereby dismissed as having become infructuous.

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
28TH DAY OF OCTOBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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C.S.No. 644 of 2000

ORDER:

DATED : 28/10/2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 28/12/2021

APPROVED ON : 10/01/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.644 of 2000

A.S.Saleem

...Plaintiff

.Vs.

1.Rafa International
rep. by its Proprietor
P.M.Abdul Latheef
23-A, North Boag Road,
T.Nagar, Chennai – 600 017.

2.Asianet Communications Ltd.,
rep. by its Director Programming
Prem Menon
No.1-C, Apex Plaza
3, Nungambakkam High Road,
Chennai – 600 034.

3.Swetha Films
Rep. by its Proprietor
E.A.Unikrishnan
Guruvayoor Road
Punkunnam, Trissur
Kerala - 680 002.

... Defendants

Plaint filed under Sections 55 and 62 of the Copy Right Act, 1957

read with Order IV Rule 1 of the Original Side Rules and Order VII Rule 1



a) for a relief of declaration declaring that the plaintiff is the absolute copy right owner in respect of Satellite rights for Terrestrial Television and Satellite Television Broadcast, including the rights in respect of Direct to Home (Direct Satellite), DD-4 (Moview Club) and for communication to the public through Television Broadcast in respect of the suit Malayalam picture “Hitler Brothers” starring Babu Antony, Premkumar, Jagathy Srikumar and others, directed by Santhya Mohan, telecasting the suit picture for the territory of the entire world;

b) for a permanent injunction restraining the defendants their agents, men, servants or anybody operating under them from telecasting or in any manner dealing with the suit picture “Hitler Brothers” starring Babu Antony, Premkumar, Jagathy Srikumar and others, directed by Santhya Mohan and

c) for costs of the suit.

For Plaintiff : Mr.V.V.Giridhar

For Defendants : Mr.Perumbulavil Radhakrishnan for D2

JUDGMENT

The suit is one for injunction restraining the defendants from infringing the copyright of the plaintiff, which qualifies as a commercial dispute as defined under Section 2(1)(c)(xvii) of the Commercial Courts



Act, 2015. The jurisdiction is thus determined and this Commercial Division takes cognizance of the suit.

2. The prayer in the suit is one for declaration that the plaintiff is entitled to the copyright and for consequential injunction restraining the defendants from interfering with the plaintiff's rights. There is no prayer for either accounting or damages. Even according to the plaintiff, the plaintiff was entitled to the copyright of the movie for 15 and half years from the date of the agreement i.e., 06.03.1997. The period of 15 and half years is over and nothing survives in the suit.

3. Hence, this suit is **dismissed as having become infructuous.**

No costs.

List of the witnesses examined on the side of the plaintiff: Nil

List of Exhibits marked on the side of the plaintiff : Nil

List of the witnesses examined on the side of the defendants: Nil

List of Exhibits marked on the side of the defendants: Nil

Sd./- R.S.M.J.
28.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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