

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.03.2021**

CORAM:

THE HON'BLE JUSTICE **C.V.KARTHIKEYAN**

C.S.No.289 of 2002

Varghese Kurian
Proprietor
Appus International Rep by
Power of Attorney Agent
Captain Raju.

... Plaintiff

...Vs..

- 1.Ajmal Hassan, Proprietor
Arifa Combines.
- 2.Golden Cine Creations
- 3.Gemini Industries and Imaging Ltd
Owning Gemini Colour Laboratory.

... Defendants

PRAYER : Complaint filed under and Order IV Rule 1 of the O.S.Rules read with Order VII Rule 1 of C.P.C Rules and Sections 55 and 62 of the Copyright Act, 1957, prayed for a Judgment and Decree:-

(a) For a declaration that the plaintiff is the absolute owner of the limited copyright namely the tamil dubbing rights of the Malayalam picture

Itha Oru Snehagatha starring Thilagan, Nedumudi Venu, etc. and directed by Captain Raju now titled as THRILL;

(b) For a permanent injunction restraining the defendants, their men, agents, servants or any other acting on their behalf or authorized by them from infringing the plaintiff's limited copyright namely the tamil dubbing rights of the Malayalam Picture Itha Oru Snehagatha now titled as THRILL by producing or releasing the said picture;

(c) for cost of the suit.

For Plaintiff : M/s.C.Ramesh

सत्यमेव जयते

JUDGMENT

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Suit had been filed under Sections 55 and 62 of the Copyrights Act by the plaintiff seeking a declaration that the plaintiff is the absolute owner of the limited copyright namely the Tamil dubbing rights of the Malayalam Picture 'Itha Oru Snehagatha' now titled as THRILL and for a

permanent injunction restraining the defendants from infringing the limited copyright of the plaintiff.

2. Naturally, since the relief sought is with respect to an assertion of Intellectual Property right, the Commercial Division of this Court has jurisdiction to examine the issues raised under Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015.

3. A perusal of the records reveal that the suit had been filed in the year 2002 and is pending without any actual progress being made or any relief granted to the plaintiff. Plaintiff was directed to file an affidavit as to whether the cause of action still survives. It is obvious that the plaintiff is not interested to prosecute the suit, since no such affidavit has been filed.

4. In view of these facts, the suit is dismissed for non-prosecution.

No order as to costs.

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Index : Yes / No
Web : Yes / No
rna

C.V.KARTHIKEYAN, J

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