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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 22ND DAY OF JUNE, 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S. No.293 of 2002

Asianet Communications Ltd.,
Rep. by its DGM (Finance)
Mr. Srinivasa Raghavan

..Plaintiff

Vs.

1. KAIRALI Channel
Owned and Controlled by
Malayalam Communications Ltd.
Rep. by its Managing Director
and also its Chief Operations Officer
Mr. Krishna Kumar
'Chandragiri', Vikramapuri Hills - 61
Karuvankonam, Kavadiyar P.O.
Thiruvananthapuram 692 023.

2. Swarga Chitra
Rep. by Shri P.D. Abraham alias Appachan
Jail Road
P.O. Puthiyara
Kozhikode 673 004.

...Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass prays for
Judgement and Decree against the Defendant as follows:

(a) For a Permanent Injunction, restraining the defendants, their
agents, men, representatives, assigns and anyone whosoever claiming



copyright in respect of the exclusive satellite television telecast rights of the Malayalam feature film GOD FATHER, in whole or reproduction of any part thereof, by exploitation for public or private viewing by broadcasting on the 1st defendant's channel or on any other channel by satellite telecast.

(b) Directing the 1st defendant to pay to the plaintiff, damages amounting to a sum of Rs.1,00,000/- (Rupees one lakh only) along with interest 18% per annum from date of plaint till date of realisation.

(c) For costs of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Mr. Perumbulavil Radhakrishnan, advocate for plaintiff herein and the defendants herein not appearing in person or by advocate and upon reading the plaint filed herein and this court having observed that in paragraph 6 of the plaint, it is stated that the effective date of tele-cine transfer of the film was on 28/07/1997 and therefore, the right of the plaintiff under the agreement dated 14/08/1995 was valid only for a period of 5 years from 28/07/1997, which has expired long ago and therefore, this court do not see any chance of the plaintiff succeeding in the suit at this distant point of time and, it is ordered as follows:-



under Rule 3(a) of order XIII A of the code of Civil Procedure as amended
by the Commercial Courts Act, 2015.

WITNESS THE HON'BLE JUSTICE MR. SANJIB BANERJEE, THE
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 22ND
DAY OF JUNE, 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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VF-15.07.2021

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C.S. No.293 of 2002

ORDER :-

DATED: 22.06.2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 16/07/2021

APPROVED ON: 19/07/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.293 of 2002

Asianet Communications Ltd.,
Rep. by its DGM (Finance)
Mr.Srinivasa Raghavan

...Plaintiff

.Vs.

1.KAIRALI Channel
Owned and Controlled by
Malayalam Communications Ltd.,
Rep. by its Managing Director
and also its Chief Operations Officer
Mr.Krishna Kumar
'Chandragiri', Vikramapuri Hills-61
Karuvankonam, Kavadiyar P.O.
Thiruvananthapuram – 695 023.

2.Swarga Chitra
Rep. by Shri P.D.Abraham alias Appachan
Jail Road,
P.O. Puthiyara
Kozhikode – 673 004.

... Defendants

Plaint filed under Section 55 and 62 of the Copyright Act, 1957 read with Order IV Rule 1 of the Original Side Rules and Order VII Rule 1 of the Code of Civil Procedure seeking for a judgment and decree against the defendants as follows:

a) For a Permanent Injunction, restraining the defendants, their agents, men, representatives, assigns and anyone whosoever claiming through the defendants from in any manner infringing the plaintiff's



copyright in respect of the exclusive satellite television telecast rights of the Malayalam feature film "GOD FATHER" in whole or reproduction of any part thereof, by exploitation for public or private viewing by broadcasting on the 1st defendant's channel or on any other channel by satellite telecast;

b) Directing the 1st defendant to pay to the plaintiff, damages amounting to a sum of Rs.1,00,000/- (Rupees one lakh only) along with interest 18% per annum from date of plaint till date of realisation and

c) For costs of the suit.

For Plaintiff : Mr.Perumbulavil Radhakrishnan

For Defendants : No appearance

J U D G M E N T

The suit has been filed by the plaintiff seeking

a) For a Permanent Injunction, restraining the defendants, their agents, men, representatives, assigns and anyone whosoever claiming through the defendants from in any manner infringing the plaintiff's copyright in respect of the exclusive satellite television telecast rights of the Malayalam feature film "GOD FATHER" in whole or reproduction of any part thereof, by exploitation for public or private viewing by broadcasting on the 1st defendant's channel or on any other channel by satellite telecast;

b) Directing the 1st defendant to pay to the plaintiff, damages amounting to a sum of Rs.1,00,000/- (Rupees one lakh only) along with interest 18% per annum from date of plaint till date of realisation and



c) For costs of the suit.

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2. The plaintiff claims satellite telecast rights of the malayalam featured film "GOD FATHER" for a period of five years from the date of its tele-cine transfer. In Paragraph 6 of the plaint, it is stated that the effective date of tele-cine transfer of the film was on 28.07.1997. Therefore, the right of the plaintiff under the agreement dated 14.08.1995 was valid only for a period of 5 years from 28.07.1997, which has expired long ago.

3. I therefore, do not see any chance of the plaintiff succeeding in the suit at this distant point of time. Therefore, the suit is **dismissed** under Rule 3(a) of Order XIII A of the Code of Civil Procedure as amended by the Commercial Courts Act, 2015.

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

22.06.2021

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.,

22.06.2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

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