



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 05th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.161 of 2001

and

O.A.No.213 of 2001

In the matter of the Indian
Copyright Act 1957

and

In the matter of The Limited
Copyright in the picture
“Paasamalar” - Tamil

Raj Television Network Limited
rep. by its Director M.Raveendran
registered office at No.32
Poes Road, II Street, Teynampet,
Chennai 600 018.

...Plaintiff/Applicant

.Vs.

1.K.Mohanakrishnan, Proprietor
Rajamani Picture
9, Besant Road, Royapettah
Chennai – 600 014

2.Sembi Traders rep by
its Managing Partner
Bukharia Buildings
5, Moores Road
Cehnnai 600 006.

3.D.DoraRachal
37, Kutty Appa Street,
Ranga Colony
Medavakkam, Chennai 600 010.

... Defendants/Respondents



Civil suit praying that this Hon'ble be pleased to pass a decree and judgment against the defendants as follows:

(a) For a declaration that the plaintiff is the absolute owner of the limited copyright viz., the World Satellite TV rights amongst other rights in the picture "Paasamalar" starring Shivaji Ganesan, Gemini Ganesan, Savithri and others and directed by Bhim Singh.

(b) For a permanent injunction, restraining the defendants, their men, agents, servants or any other person acting on their behalf from telecasting the picture or interfering with the plaintiff's limited copyright in the picture "Paasamalar" starring Shivaji Ganesan, Gemini Ganesan, Savithri and others and directed by Bhim Singh and

(c) for costs of the suit.

OA.No.213 of 2001:-

Application praying that this Hon'ble be pleased to grant an interim injunction restraining the respondents, their men, agents, servants or any other person acting on their behalf from telecasting the picture or interfering with the petitioner's limited copyright in the picture "Paasamalar" starring Sivaji Ganesan, Gemini Ganesan, Savithri and others and directed by Bhim Singh pending disposal of the suit.

This Civil suit alongwith Original Application coming on this day before this court for hearing in the presence of Mr.K.Harishankar, Advocate for the Plaintiff in C.S.No.161 of 2001 and for the Applicant in O.A.No.213



That the C.S.No.161 of 2001 be and is hereby dismissed under Rule 3(a) and (b) of Order XIII A of the Code of Civil Procedure as amended by the Commercial Courts Act, 2015.

- WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
05th DAY OF JULY 2021.

Dated at Madras this the day of 2021.

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SK-25.08.2021

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C.S.No.161 of 2001
and
O.A.No.213 of 2001

ORDER :-
DATED : 05.07.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 25.08.2021

APPROVED ON: 26.08.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.161 of 2001

and

O.A.No.213 of 2001

Raj Television Network Limited
rep. by its Director M.Raveendran

...Plaintiff

.Vs.

1.K.Mohanakrishnan, Proprietor
Rajamani Picture
9, Besant Road, Royapettah
Chennai – 600 014

2.Sembi Traders rep by
its Managing Partner
Bukharia Buildings
5, Moores Road
Cehnnai 600 006.

3.D.DoraRachal

... Defendants

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

(a) For a declaration that the plaintiff is the absolute owner of the limited copyright viz., the World Satellite TV rights amongst other rights in the picture "Pasamalar" starring Shivaji Ganesan, Gemini Ganesan, Savithri



and others and directed by Bhim Singh.

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(b) For a permanent injunction, restraining the defendants, their men, agents, servants or any other person acting on their behalf from telecasting the picture or interfering with the plaintiff's limited copyright in the picture "Pasamalar" starring Shivaji Ganesan, Gemini Ganesan, Savithri and others and directed by Bhim Singh and

(c) for costs of the suit.

For Plaintiff : Mr.K.Harishankar

For defendants : Mr.V.Manohar for D2
No appearance for D1 and D3

J U D G M E N T

The suit is one for infringement of copyright and for permanent injunction in respect of tamil featured film "Pasamalar".

2. Heard Mr.K.Harishankar, learned counsel appearing for the plaintiff and Mr.V.Manohar, learned counsel appearing for the 2nd defendant. The defendants 1 and 3 are not appearing either in person or through counsel duly instructed, though service on them have been completed even on 14.06.2005.

3. Mr.V.Manohar, learned counsel appearing for the 2nd defendant would submit that he is unable to contact the 2nd defendant and that he suspects that the 2nd defendant is out of business.

4. Mr.K.Harishankar, learned counsel appearing for the plaintiff



would submit that the suit may be disposed of under Rule 3(a) and (b) of Order XIII A of the Code of Civil Procedure as amended by the Commercial Courts Act, 2015 with liberty to the plaintiff to renew if there is any future violation.

5. In view of the statements made by the counsel, particularly the statement made by Mr.V.Manohar, learned counsel for the 2nd defendant that the 2nd defendant is no longer in the business, the suit is **dismissed** under Rule 3(a) and (b) of Order XIII A of the Code of Civil Procedure as amended by the Commercial Courts Act, 2015, as I do not see any chance of the plaintiff succeeding in the suit, in view of the fact that the 2nd defendant is already out of business and there is no other reason to keep the plaint alive. It is however made clear that this dismissal will not bar the plaintiff from taking appropriate proceedings, if there is any future violation of the copyright of the plaintiff. No costs. Consequently the connected application is closed.

Sd./-(V.P.N.J.,)

05.07.2021

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.,)

05.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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