



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.218 of 2001

In the matter of Copy Right Act
1957 and

In the matter of the Cinematograph
film Amman Koil Kizhakkale and
34 other films listed in the schedule
'A' to this Plaint.

G.V. Films Limited
Rep. by its Managing Director,
Mr. G. Venkateswaran
Registered office at Sujatha Centre,
No.4, Seshadri Road, Alwarpet,
Chennai 600 018.

... Plaintiff

-Versus-

- 1) Gemini Industries and Imaging Ltd.,
Laboratory Department.
Office at No.2, Vembuliamman koil Street,
Virugambakkam, Chennai - 78
- 2) Asian Capital Consolidated & Holdings P.Ltd.
Office at No.2, Sarangapani Street, T.Nagar,
Chennai – 60 017

... Defendant

**C.S.No. 218 of 2001**

Civil Suit praying that this Hon'ble Court be pleased to grant a

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Judgement and Decree on the following terms:

- a) Granting a mandatory injunction directing the first defendant to permit the plaintiff or their authorized representative to remove from the custody of the first defendant the negatives (both picture and sound) of all the 35 cinematograph films listed in schedule 'A' of this plaint;
- b) Granting permanent injunction restraining the defendants 1 and 2, their agents, servants, and all those who claim under or through them from casting cloud on or interfering with in any manner the exercise of the plaintiff's copyright in and over the 35 cinematograph films listed in schedule 'A' of this plaint;
- c) Directing defendants 1 and 2 to pay to the plaintiff the costs of this suit.

This suit coming on this day before this court for hearing and the plaintiff and the defendants herein, not appearing in person or by advocate and upon reading the pleadings filed herein, **it is ordered as follows:-**

2) That the suit in C.S.No. 218 of 2001, be and is hereby dismissed for non-prosecution.



3) That there shall be no costs of this suit.

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WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
29TH 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.)
From 25th Day of September 2008 the Registry is issuing certified copies
of the Orders/Judgments/Decrees in this format.



NS

12.08.2021

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C.S.No. 218 of 2001

ORDER
DATED 29/06/2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 09/09/2021

APPROVED ON:13/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.218 of 2001

G.V.Films Limited

rep. By its Managing Director,

Mr.G.Venkateswaran

...Plaintiff

Vs.

1.Gemini Industries and Imaging Ltd.,
Laboratory Department.

2.Asian Capital Consolidates & Holdings P.Ltd.,

...Defendants

Prayer: Complaint filed under Sections 55 & 62 of the Copy Right Act, 1957 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) granting a mandatory injunction directing the first defenant to permit the plaintiff or their authorized representative to remove from the custody of the first defendant the negatives (both picture and sound) of all the 35 cinematograph films listed in schedule 'A' of this plaint;

b) granting permanent injunction restraining the defendants 1 and 2, their agents, servants and all those who claim under or through them from casting cloud on or interfering with in any manner the exercise of the plaintiff's copyright in and over the 35 cinematograph films listed in schedule 'A' of this plaint;

c) directing the defendants 1 and 2 to pay to the plaintiff the costs

of this suit;

d) grant such further or other orders as this Hon'ble Court may



deem fit and proper under the facts and circumstances of the case and thus render justice.

For Plaintiff : No Appearance

For Defendants : No Appearance

J U D G M E N T

The suit is one for infringement of a copyright, which falls within the meaning of the term 'commercial dispute' as defined under Section 2 (1)(c)(xvii) of the Commercial Courts Act, 2015. The jurisdiction is therefore, determined and the Commercial Division takes cognizance of the suit.

2. On 22.06.2021, Mr. R. Murugan, learned counsel for the plaintiff had reported that the plaintiff had taken back the papers along with the consent for change of Vakalat. Registry was directed to verify as to whether any new counsel had entered appearance. It is now reported that no new counsel had entered appearance. The name of the plaintiff is printed in the cause list. Despite the same, there is no representation for the plaintiff.

3. Hence, the suit is dismissed for non-prosecution. No costs.

Sd/- R.S.M.J.
29/06/2021

**List of witness and documents filed on the side of the plaintiff:**

Nil

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

Nil

Sd/- R.S.M.J.
29/06/2021//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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