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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 24TH DAY OF JUNE, 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S. No.237 of 2001

Bama Exports
represented by Sole Proprietor
Mrs. V. Bamaa
Old No. 8, New No. 11 Wallers Road,
Mount Road, Chennai - 600 002. ..Plaintiff

Vs.

1. Sree Vijaya Mathruka Combines
represented by Sole Proprietor
Mr. CH.V.Appa Rao,
No.27, Tilak Street, Second floor,
T.Nagar, Chennai - 600 017.

2. Gemini Colour Lab
Vadapalani, Chennai - 600 026. ...Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass prays for
decree and judgment against the first defendant:

(a) Permanent injunction restraining the first defendant from in any
manner infringing the plaintiff's copy right for the film "Enna Vilai Azagey"
starring Prasanth, Amisha Patel, directed by Mr. Raj Kapoor for theatrical
exploitation, laser disc, VCD, Video tape, etc. as per the agreement dated
15.04.1999 in Overseas territory including Srilanka.

(b) directing the first defendant to pay the costs of the suit.



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This Civil Suit coming on this day before this court for hearing in the presence of Mr. A. Umashankar, advocate for plaintiff herein and the defendants herein not appearing in person or by advocate and upon reading the plaint filed herein and the learned counsel for the plaintiff having submitted that he is unable to get in touch with the plaintiff and the letters sent by him have been returned as left and this court having observed that from the pleadings itself it is seen that the agreement is dated 15th April 1999 and it is valid for a period of 20 years, the 20 years period itself is over, hence nothing survives in this suit, and it is ordered as follows:-

That the suit in C.S. No. 237 of 2001, be and is hereby dismissed under Rule 3(a) of order XIII A of the code of Civil Procedure as amended by the Commercial Courts Act, 2015 on the ground that the plaintiff has no real prospect of succeeding the suit.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE JUSTICE MR. SANJIB BANERJEE, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 24TH 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.



VF-15.07.2021

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C.S. No.237 of 2001

ORDER :-

DATED: 24.06.2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 19/07/2021

APPROVED ON: 20/07/2021



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4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.237 of 2001

Bama Exports
represented by Sole Proprietor
V.Bamaa
Old No.8, New No.11 Wallers Road,
Mount Road, Chennai – 2.

...Plaintiff

.Vs.

1.Sree Vijaya Mathruka Combines
represented by Sole Proprietor
CH.V.Appa Rao,
No.27, Tilak Street, Second Floor,
T.Nagar, Chennai – 17.

2.Gemini Colour Lab
Vadapalani, Chennai – 26.

... Defendants

Plaint filed under Order VII Rule 1 of the Code of Civil Procedure read with Sections 55 and 62 of the Copyright Act under Order IV Rule 1 of the High Court Original Side Rules praying for :

a) Permanent Injunction restraining the first defendant from in any manner infringing the plaintiff's copy right for the film “Enna Vilai Azagey” starring Prasanth, Amish Patel, directed by Mr.Raj Kapoor for theatrical exploitation, laser disc, VCD, Video tape, etc. as per the agreement dated



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b) Directing the first defendant to pay the costs of the suit

For Plaintiff : Mr.A.Umasankar

For Defendants : No appearance

J U D G M E N T

The suit has been filed by the plaintiff seeking

a) Permanent Injunction restraining the first defendant from in any manner infringing the plaintiff's copy right for the film “Enna Vilai Azagey” starring Prasanth, Amish Patel, directed by Mr.Raj Kapoor for theatrical exploitation, laser disc, VCD, Video tape, etc. as per the agreement dated 15.04.1999 in Overseas territory including Srilanka and

b) Directing the first defendant to pay the costs of the suit

2. Mr.Umashankar, learned counsel appearing for the plaintiff would submit that he is unable to get in touch with the plaintiff and the letters sent by him have been returned as left.

3. The suit relates to copyrights of the movie “Enna Vilai Azagey”

(என்ன விலை அழகே), From the pleadings itself it is seen that the agreement is dated 15th April 1999 and it is valid for a period of 20 years.

The 20 years period itself is over. Hence, nothing survives in the suit and



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 on the ground that the plaintiff has no real prospect of succeeding the suit. No costs.

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

24.06.2021

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.,

24.06.2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

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