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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.356 of 2001

M.K.Hari Shankar
No.37, State Bank Colony,
Second Street,
Virugambakkam, Chennai – 92.

...Plaintiff

.Vs.

1.B.M.B.Productions
Building No.13, Flat No.301,
MADHA Housing Society,
Jogeswari West,
Opp. Oshivara Police Station,
Mumbai – 400 053.

2. K.S.Adiyaman
Building No.13, Flat No.301,
MADHA Housing Society,
Jogeswari West,
Opp. Oshivara Police Station,
Mumbai – 400 053.

3.Ramnord Laboratories
Plot No.2, Prabhat Nagar,
Patel Estate Road,
Jogeshwari West,
Mumbai – 400 102.

(*) 4. Sethu Rajeshwaran
C/o Dr.Malayaman
No.3, Majestic Park,
Arcot Road, Virugambakkam,
Chennai – 92.



**(*) D-4 impleaded as per order
dated 29.09.03 in A.No. 2278/02)**

... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a judgment and decree:-

a) Permanent Injunction restraining the defendants 1 and 2, their men, agents and servants from infringing the plaintiff's copyright in the Tamil feature film "Thotta Chinungi" including its story, script and screen play in so far as it relates to the remake rights in Hindi language by releasing the Hindi feature film "HUM TUMARE HAI SANAM" starring Sharukh Khan, Salman Khan, Maduri Dixit, Aishwarya Rai etc. produced by the first defendant and directed by the second defendant and

b) direct the defendants to pay costs of the suit.

This Civil suit coming on this day before this court for hearing in the presence of Mr.A.Umasankar, Advocate for the 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 contact the plaintiff, the letters sent by his Office have been returned as not claimed, and this court having observed that the suit itself is of the year 2001 and the counsel on either side are unable to get instructions from the parties, in fact, the defendants 1 and 2 remain unserved and no useful purpose will be served in keeping the suit



pending. it is ordered as follows:-

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That the Suit in C.S.No. 356 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.

2. That the plaintiff herein shall be at liberty to take appropriate action if there is any violation in future.

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

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, 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.)

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SK-07.07.2021

27.08.2021

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C.S.No.356 of 2001

ORDER :-
DATED:24.06.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL:15.09.2021

APPROVED ON: 16.09.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.356 of 2001

M.K.Hari Shankar

...Plaintiff

.Vs.

1.B.M.B.Productions

Building No.13, Flat No.301,
MADHA Housing Society,
Jogeswari West,
Opp. Oshivara Police Station,
Mumbai – 400 053.

2.K.S.Adiyaman

3.Ramnord Laboratories

Plot No.2, Prabhat Nagar,
Patel Estate Road,
Jogeshwari West,
Mumbai – 400 102.

4.Senthil Rajeswaran

[D4 impleaded as per order dated 29.09.2013 in A.No.2278 of 2002]

... Defendants

Plaint filed under Section 55 and 62 of the Indian Copyright Act, 1957 read with Order IV Rule 1 of the High Court Original Side Rules praying for :

a) Permanent Injunction restraining the defendants 1 and 2, their men, agents and servants from infringing the plaintiff's copyright in the Tamil feature film “Thotta Chinungi” including its story, script and screen play in



so far as it relates to the remake rights in Hindi language by releasing the Hindi feature film “HUM TUMARE HAI SANAM” starring Sharukh Khan, Salman Khan, Maduri Dixit, Aishwarya Rai etc. produced by the first defendant and directed by the second defendant and

b) direct the defendants to pay 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 defendants 1 and 2, their men, agents and servants from infringing the plaintiff's copyright in the Tamil feature film “Thotta Chinungi” including its story, script and screen play in so far as it relates to the remake rights in Hindi language by releasing the Hindi feature film “HUM TUMARE HAI SANAM” starring Sharukh Khan, Salman Khan, Maduri Dixit, Aishwarya Rai etc. produced by the first defendant and directed by the second defendant and

b) direct the defendants to pay costs of the suit.

2. Mr.Umashankar, learned counsel appearing for the plaintiff would submit that he is unable to contact the plaintiff. The letters sent by his Office have been returned as not claimed.



3. The suit relates to a tamil feature film “Thotta Chinungi” and its remake in Hindi with title “HUM TUMARE HAI SANAM”. The suit itself is of the year 2001 and the counsel on either side are unable to get instructions from the parties. In fact, the defendants 1 and 2 remain unserved. No useful purpose will be served in keeping the suit pending.

4. Hence, 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, reserving liberty to the plaintiff to take appropriate action if there is any violation in future. 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 the day of 2021.

COURT OFFICER(O.S.)

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