



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 06TH DAY OF JULY, 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No. 817 of 2008

and

O.A.No. 945 of 2008

M/s. SUN TV Network Ltd.,
Rep. by its Manager (Programming)
Mr. L. Jotheeswaran,
New No. 4, Old No.5,
Norton Road,
Mandaveli,
Chennai – 600028.

... Plaintiff/Applicant

-Versus-

1. M/s. Sathya Movies,
Represented by its Managing Partner,
Mrs.V. Rajammal,
Having office at No.11, Sadasivam Street,
Gopalapuram, Chennai- 600 086.
2. Mr. Raama Veerappan,
No.9, Thirumalai Road,
T.Nagar, Chennai- 600017.
3. M/s. D-TV,
Having office at No.78, Shopping Complex,
3rd Floor, Andalpuram,
Madurai – 625003.

... Defendants/ Respondents

C.S.No. 817 of 2008

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

<https://hcservices.ecourts.gov.in/hcservices/>

Judgement and Decree against the defendants.



WEB COPY

- i. For a declaration declaring that the plaintiff is the exclusive copy right holder of the cinematography Tamil film “KAVALKARAN” (Tamil Colour), starring M/s. M.G.R., Jayalalitha & others directed by Mr. P.Neelakandan, inclusive of the rights of Satellite Television Broadcast, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibition of the film by means of wireless diffusion and by wire for communication to the public through Television Broadcast for the entire world as assigned in the agreement dated 10.10.2002.
- ii. For a permanent injunction restraining the defendants their men, agents, assignees or any other person or persons claiming through them from in any manner infringing the plaintiff's copy rights in the cinematography film “KAVALKARAN” (Tamil Colour), starring M/s. M.G.R. Jayalalitha & others directed by Mr. P.Neelakandan, inclusive of the rights of Satellite Television Broadcast, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibition of the film by means of wireless diffusion and by wire for communication to the public through Television Broadcast for the entire world as assigned in the agreement dated 10.10.2002.



iii. Award damages of Rs. 10,00,000/-.

iv. Directing the defendants to pay cost of the Suit.

O.A. No.945 of 2008:

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the respondents, their men, agents, assignees or any other person or persons claiming through them from in any manner infringing the Applicant's copy right in the cinematography film "**KAVALKARAN**" (Tamil Colour), starring M/s. M.G.R., Jayalalitha & others directed by Mr. P. Neelakandan, inclusive of the rights of Satellite Television Broadcast, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibition of the film by means of wireless diffusion and by wire for communication to the public through Television Broadcast for the entire world pending disposal of the suit.

This suit along with the original application coming on this day before the court for hearing in the presence of M/s. M. Sneha for Mr. B.K. Girish Neelakantan, Advocates for the plaintiff in C.S.No. 817 of 2008 and for the applicant in O.A.No. 945 of 2008 and upon reading the plaint filed to in C.S.No.817 of 2008 and the order dated 01.09.2008 made in O.A.No. 945 of 2008 and the learned counsel for the plaintiff submitting that the suit

has been settled out of court and seeks to withdraw the same and she would



also seek refund of court fee and also undertakes that the refunded court fee will be paid over to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and this court doth recording the same, **it is ordered as follows:**

That the suit in C.S.No. 817 of 2008, and is hereby dismissed as settled out of court.

2) That a certificate under Section 69 of Tamil Nadu Court Fees and Suits Valuation Act, 1955, do issue herein, out of and under the seal of this court in favour of M/s. M. Sneha, the learned counsel for the plaintiff herein, authorising her, to receive from the pay and Accounts office, High Court, Madras, a sum of Rs. 13,826/- (Rupees Thirteen Thousand Eight Hundred and Twenty Six) being entire Court Fee paid on the plaint by the plaintiff herein.

3) That the O.A. No. 945 of 2008 do stand closed.

4) That there shall be no cost of this suit

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE
06TH DAY OF JULY 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



WEB COPY

NS
28.07.2021

5

C.S.No. 817 of 2008

and

O.A. No.945 of 2008

DECREE
DATED :06/07/2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANINAN

FOR APPROVAL: 29/07/2021

APPROVED ON: 30/07/2021



WEB COPY

6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.817 of 2008

and

O.A.No.945 of 2008

M/s.SUN TV Network Ltd.,
Rep. by its Manager (Programming),
L.Jotheeswaran,
New No.4, Old No.5,
Norton Road,
Mandaveli,
Chennai – 600 028.

...Plaintiff

.Vs.

1.M/s.Sathya Movies,
represented by its Managing Partner,
V.Rajammal,
Having Office at No.11, Sadasivam Street,
Gopalapuram, Chennai – 600 086.

2.Raama Veerappan

3.M/s.D-TV,
Having Office at No.78, Shopping Complex,
3rd Floor, Andalpuram,
Madurai – 625 003.

... Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules 1956,

under Section 55 and 62 of Copy Rights Act, 1955 read with Order VII Rule

<https://hcservices.ecourts.gov.in/hcservices/>

1 of the Code of Civil Procedure praying for a judgment and decree against



the defendants:

WEB COPY

i) for a declaration that the plaintiff is the exclusive copy right holder of the cinematography Tamil film “KAVALKARAN” (Tamil Colour), starring M/s.M.G.R., Jayalalitha and others directed by Mr.P.Neelakanda, inclusive of the rights of Satellite Television Broadcast, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibition of the film by means of wireless diffusion and by wire for communication to the public through Television Broadcast for the entire world as assigned in the agreement dated 10.10.2002.

ii) for a permanent injunction restraining the defendants, their men, agents, assignees or any other person or persons claiming through them from in any manner infringing the plaintiff's copy rights in the cinematography film “KAVALKARAN” (Tamil Colour), starring M/s.M.G.R., Jayalalitha and others directed by Mr.P.Neelakanda, inclusive of the rights of Satellite Television Broadcast, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibition of the film by means of wireless diffusion and by wire for communication to the public through Television Broadcast for the entire world as assigned in the agreement dated



iii) Award damages of Rs.10,00,000/- and

iv) directing the defendant's to pay cost of the suit.

For Plaintiff : Mrs.M.Sneha
for Mr.B.K.Girish Neelakantan

J U D G M E N T

The suit has been filed by the plaintiff seeking for a decree and judgment against the defendants

i) for a declaration that the plaintiff is the exclusive copy right holder of the cinematography Tamil film “KAVALKARAN” (Tamil Colour), starring M/s.M.G.R., Jayalalitha and others directed by Mr.P.Neelakanda, inclusive of the rights of Satellite Television Broadcast, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibition of the film by means of wireless diffusion and by wire for communication to the public through Television Broadcast for the entire world as assigned in the agreement dated 10.10.2002.

ii) for a permanent injunction restraining the defendants, their men, agents, assignees or any other person or persons claiming through them from in any manner infringing the plaintiff's copy rights in the



cinematography film “KAVALKARAN” (Tamil Colour), starring M/s.M.G.R., Jayalalitha and others directed by Mr.P.Neelakanda, inclusive of the rights of Satellite Television Broadcast, Direct to Home Broadcast, Direct Satellite Service, Terrestrial Television Broadcast and all other rights connected therewith including exhibition of the film by means of wireless diffusion and by wire for communication to the public through Television Broadcast for the entire world as assigned in the agreement dated 10.10.2002.

iii) Award damages of Rs.10,00,000/- and

iv) directing the defendants to pay cost of the suit.

2. Mrs.M.Sneha, learned counsel appearing for the plaintiff would submit that the suit has been settled out of court and seeks to withdraw the same. She would also seek refund of court fee.

3. The statement of the counsel is recorded and the suit is dismissed as settled out of court. The Registry is directed to refund the entire court fee paid on the plaint to the counsel for the plaintiff by issuing a cheque in the name of the counsel. No costs. Consequently the connected original application is also closed.



4. Mrs.M.Sneha, learned counsel appearing for the plaintiff also undertakes that the refunded court fee will be paid over to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and the same is recorded.

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.,
06/07/2020

//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.