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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 09th DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

C.S.No.125 of 2006

and

O.A.No.193 of 2006

Sun TV Pvt Ltd.,
Rep by its Manager (Programmes),
Mr.L.Jotheeswaran,
367/369, Anna Salai,
Teynampet,
Chennai - 600 018.

...Plaintiff/Applicant

-Versus-

1. Dish Asia Network (DAN TV),
Rep by its Managing Director,
No.4, Janakapuri, Second Street,
Velachery Bye Pass Road,
Chennai - 600 042.

2. Mr.Ghulam Hussain,
Director,
Dish Asia Network (DAN TV),
No.4, Janakapuri, Second Street,
Velachery Bye Pass Road,
Chennai - 600 042.

3. The Programming Manager,
Dish Asia Network (DAN TV),
No.4, Janakapuri, Second Street,
Velachery Bye Pass Road,
Chennai - 600 042.

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

4. M/S. Oscar Films (P) Ltd.,



Rep. by its Manager Director, Mr.V.Ravichandran
No.9, 10th Avenue,
Ashok Nager, Chennai - 600 083.

...Defendants/Respondents

Civil Suit praying that this Hon'ble Court be pleased to grant a judgment and decree:

(i) 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 "POOVELLAM UN VAASAM" (Tamil Colour), starring M/s. Ajith, Jothika, & Others and any part thereof directed by Ezhil; 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;

(ii) Directing the defendants to pay cost;

O.A.No.193 of 2006:-

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 petitioner's copy rights in the cinematography film "POOVELLAM UN VAASAM" (Tamil Colour), starring M/s. Ajith, Jothika, & Others and any part thereof directed by Ezhil; 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 alongwith the application coming on this day before this court for hearing in the presence of Mr.B.K.Girish Neelakandan, Advocate for the plaintiff/Applicant herein and Mr.K.Moorthy, Advocate for the 4th defendant/4th respondent herein and upon reading the plaint filed in C.S.No.125 of 2006 and the order dated 08/03/2006 made in O.A.No.193 of 2006 and the learned Counsel for the plaintiff having submitted that the relief claimed in the suit has become infructuous, hence, sought for permission of this Court to withdraw this suit and also made an endorsement on the plaint stating that 'The plaintiff respectfully submit that before this Hon'ble Court, The suit may be dismissed as infructuous', **it is**



That the suit in C.S. No.125 of 2006, be and is hereby dismissed as
withdrawn.

2) That the O.A.No.193 of 2006 do stand closed.

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

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 09th DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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C.S.No.125 of 2006
and
O.A.No.193 of 2006

ORDER

DATED : 09.12.2021

THE HON'BLE MR.JUSTICE
N.ANAND VENKATESH

FOR APPROVAL : 28.12.2021

APPROVED ON : 10.01.2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED : 09.12.2021**CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH****C.S.No.125 of 2006**
and O.A.No.193 of 2006

Sun TV Pvt. Ltd.,
Represented by its Manager (Programmes)
Mr.L.Jotheeswaran,
367/369, Anna Salai,
Teynampet, Chennai – 600 018.

...Plaintiff

.Vs.

- 1.Dish Asia Network (DAN TV)
Rep. by its Managing Director,
No.4, Janakapuri, Second Street,
Velachery Bye Pass Road,
Chennai – 600 042.
- 2.Mr.Ghulam Hussain,
Director,
Dish Asia Network (DAN TV)
No.4, Janakapuri, Second Street,
Velachery Bye Pass Road, Chennai – 600 042.
- 3.The Programming Manager,
Dish Asia Network (DAN TV)
No.4, Janakapuri, Second Street,
Velachery Bye Pass Road,
Chennai – 600 042.
- 4.M/s.Oscar Films (P) Ltd.,
Rep. by its Manager Director, Mr.V.Ravichandran,
No.9, 10th Avenue,
Ashok Nagar, Chennai – 600 083.

... Defendants



Plaint filed under Section 55 & 62 of the Copyright Act 1957 and

Order IV Rule 1 of O.S. Rules 1956 read with O.VII Rule 1 C.P.C. praying for:

- i. 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 copyrights in the cinematography film "POOVELLAM UN VAASAM" (Tamil Colour), Starring M/s.Ajith, Jothika & others and any part thereof directed by Ezhil; 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;
- ii. Directing the defendants to pay cost;
- iii. Grant such other relief or reliefs as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Plaintiff : Mr.B.K.Girish Neelakandan

For Defendants : Mr.K.Moorthy for D4



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J U D G M E N T

The learned counsel for the plaintiff submitted that the relief claimed in the suit has become infructuous, hence, sought for permission of this Court to withdraw this suit and an endorsement is also made to that effect.

2. Accordingly, this suit is dismissed as withdrawn. Consequently connected application is closed. No Costs.

Sd./-N.A.V.J.

09.12.2021

//Certified to be true copy//

Dated at Madras this the

day of

2022.

COURT OFFICER(O.S.)

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