

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.54 of 2006

M/s.O.K.Films
Represented by its Proprietor
Mr.Mani
Airlines Buildings,
829, Anna Salai,
Chennai – 600 002.

...Plaintiff

.Vs.

1.M/s.Aditya Cable Views
Represented by its Proprietor
Mr.P.T.Jayaraman
213, Tower View Lodging Complex
Tower Junction
Nagercoil.

2.M/s.Motherland Enterprises
Rep. by Proprietor
Mr.Ali
Hotel Thanamani Lodge
Near Kudal Alankar Perumal Temple
Madurai – 1

3.M/s.Run Enterprises

Rep. by Partner
Mr.Moorthy
S/11, II Floor,
New Bus Stand
Salem 9

4.Solar Entertainments

Rep.
5/12 B, D 2nd Anna Street
Angammal Colony
Salem 9

5.M/s.Win Mediyas

Rep. by its Managing Partner
R.Balu
7-B, Angammal Colony, T V S Busstop
Salem 9

6.M/s.City Television Network

Rep. by its
No.230-231 PTR Complex
Opp. Municipal Office, Mount Road
Coonoor 643 162.

7.M/s.Madura Cable Net

Perumal Koil Street
Thiruvatchur & Post
Perambalur District

... Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure and Sections 55 and 62 of the Copy Rights Act, 1957 praying for a decree and judgment :

a) for a declaration declaring that the plaintiff is the sole copyright holder including the transport buses rights and cable TV rights for the area of entire Tamil Nadu State in respect of the 276 films more fully described in the schedule to the plaint. Consequently declare that the Letter of arrangement dated 25.02.2005 is null and void.

b) for a permanent injunction restraining the defendants, their men, agent, servant etc., in any manner infringing the copy right of the plaintiff by telecasting in respect of the 276 films in transport buses, or through cable TV for the entire area of Tamil Nadu.

c) to direct the defendants to pay jointly and severally to the plaintiff the sum of Rs.10,01,000/- towards compensation for infringement of the copy right own by the plaintiff in respect of the said 276 films more fully described in the schedule to the plaint and

d) for costs of the suit.

For Plaintiff : Mr.Thiageswaran
for M/s.Waraon & Sairams

For Defendants : D1, D2 to D5 – unserved
D6 and D7 – No appearance

J U D G M E N T

The suit has been filed by the plaintiff seeking

a) for a declaration declaring that the plaintiff is the sole copyright holder including the transport buses rights and cable TV rights for the area of entire Tamil Nadu State in respect of the 276 films more fully described in the schedule to the plaint. Consequently declare that the Letter of arrangement dated 25.02.2005 is null and void.

b) for a permanent injunction restraining the defendants, their men, agent, servant etc., in any manner infringing the copy right of the plaintiff by telecasting in respect of the 276 films in transport buses, or through cable TV for the entire area of Tamil Nadu.

c) to direct the defendants to pay jointly and severally to the plaintiff the sum of Rs.10,01,000/- towards compensation for infringement of the copy right own by the plaintiff in respect of the said 276 films more fully described in the schedule to the plaint and

d) for costs of the suit.

2. Mr.Thiageswaran, learned counsel appearing for the plaintiff would submit that the Proprietor of the plaintiff is no more and nothing survives in the suit.

3. Hence, the suit is dismissed as abated. No costs.

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Index : No
Internet : Yes
Non-speaking order

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

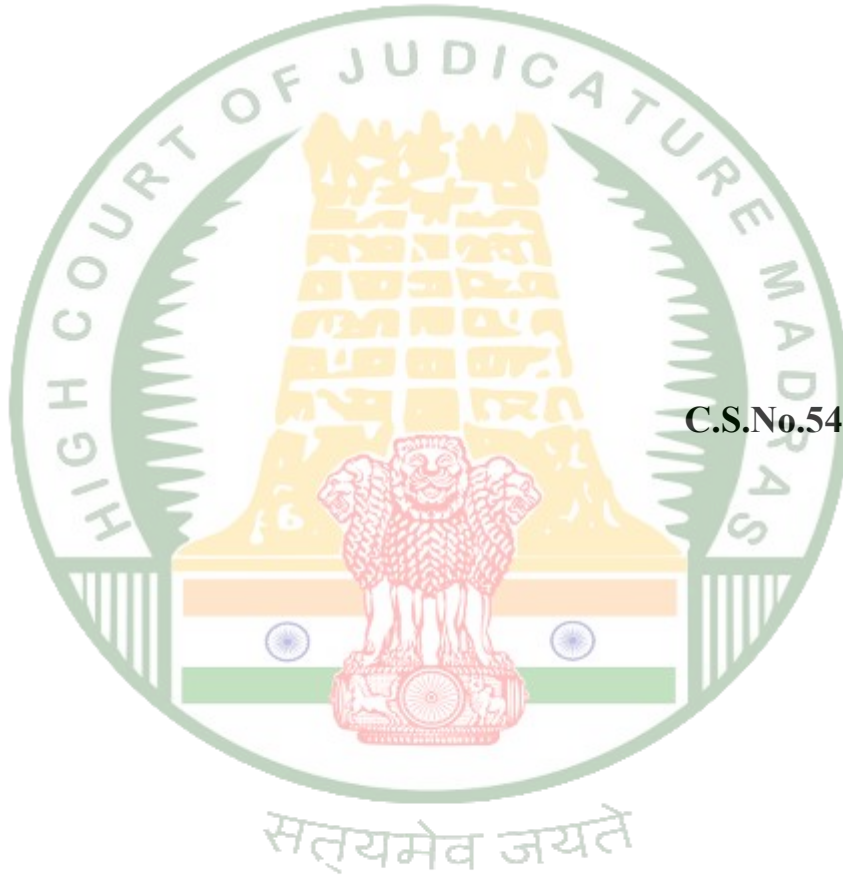
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R.SUBRAMANIAN, J.

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