

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.S.No. 344 of 2005
and
A.Nos.414 & 415 of 2005

Mr.K.Loganathan

... Plaintiff

Vs.

S.S. Chakkrawarthy,
Proprietor NIC Arts,
No.6, Raman Street,
T.Nagar, Chennai - 600 017.

... Defendant

Prayer:

Civil Suit is filed under Order IV Rule 1 O.S.Rules read with Sections 55 & 62 of the Copy Right Act, 1957, (a) granting a permanent injunction restraining the defendant, his agents, servants and all persons claiming under or through him from infringing the plaintiff's limited copyright, namely, audio rights as defined in schedule B, in and over the Tamil Cinematograph Film titled "GOD FATHER", described fully in Schedule A, either by exercising such rights or by causing the exercise of such rights or by assigning such rights or by granting license in respect of

such rights to any third party;

(b) granting a permanent injunction restraining the defendant, his agents, servants and all persons claiming under or through him from releasing or causing the release of the Tamil Cinematograph Film titled "GOD FATHER" described fully in schedule A anywhere without first delivering to the plaintiff the Digital Audio Track of the songs and music portions comprised in the said film together with still photographs and publicity materials of the said film at least 45 days before such release;

(c) directing the defendant to pay the costs of the suit to the plaintiff.

For Plaintiff : Mr.Srinivasan
For M/s. Rugan & Arya

For Defendant : No Appearance

JUDGMENT

The suit had been filed under Sections 55 and 62 of the Copy Right Act, 1957, seeking judgment and decree against the defendant restraining them from infringing the plaintiff's limited copyright namely Audio Rights over the Tamil Cinematograph Film titled "GOD FATHER" and

for consequential reliefs.

2. Since the issues raised relate to assertion of an intellectual property right, the Commercial Division of this Court will have jurisdiction to examine the issues raised under Section 2(1)(c) (xvii) of the Commercial Courts Act, 2015.

3. There is no indication of the suit summons having been served. However, the learned counsel for the plaintiff stated that Joint Memorandum of Compromise had been entered into between the parties on 06.03.2006 itself.

4. In view of the said facts, nothing survives for further consideration in the present suit. Accordingly, the Civil Suit is dismissed. No order as to costs. Consequently, connected Applications are closed.

09.03.2021

msm

Index : Yes

Internet : Yes

Speaking order : Yes/No

C.V.KARTHIKEYAN, J.

msm



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