



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF JUNE, 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S. No.443 of 2005

&

O.A No.533 of 2005 & A. No.3104 of 2006

M/s. SUN TV PVT. Ltd.,
Rep. by its Manager (Programming)
No. 367-369, Anna Salai,
Teynampet,
Chennai 600 018.

..Plaintiff

Vs.

1. M/s Kairali TV.,
Unit of Malayalam Communications Ltd.,
Rep. by its Managing Director,
Vadakkekottaram,
Padmavilasom Road, Fort P.O.
Tiruvananthapuram - 695 023
Kerala.

2. M/s Gee Bee Videos
Rep. by its Proprietrix,
Flat No.B/1-C, Garden Court Apartments,
Aalinchuvadu, Palarivattom,
Cochin - 682 024
Kerala.

3. M/s Vinodh Movies,
Rep. by its Proprietor
TDS Road,
Kochi - 682 035
Kerala.

..Defendants



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

(i) Declaring that the Plaintiff is the owner of the entire Copy Rights in the Cinematography film "Thekkekara Superfast" (Malayalam Colour), starring M/s Mukesh, Dileep, Harisree Ashokan, Jagathy, Rajan P. Dev Gayatri, KPAC Lalitha & Others and directed by Thaha; 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) Consequential permanent injunction restraining the first defendant, their men, agents, assignees or any other persons or claiming through them from in any manner infringing the plaintiff's copy rights in the Cinematography film "Thekkekara Superfast" (Malayalam Colour), starring M/s Mukesh, Dileep, Harisree Ashokan, Jagathy, Rajan P.Dev Gayatri, KPAC Lalitha & Others and directed by Thaha; 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;

WEB COPY (iii) Directing the first defendant to pay cost;

O.A. No. 533 of 2005

M/s. SUN TV PVT Ltd.,
Rep. by its Manager (Programming)
No. 367-369, Anna Salai,
Teynampet,
Chennai 600 018.

..Applicant

Vs.

1. M/s Kairali TV.,
Unit of Malayalam Communications Ltd.,
Rep. by its Managing Director,
Vadakkekkottaram,
Padmavilasom Road, Fort P.O.
Tiruvananthapuram - 695 023
Kerala.

..Respondent

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the Ist respondent, their men, agents or anyone claiming under them from in any manner infringing the plaintiff's copy rights in the Cinematography film "Thekkekara Superfast" (Malayalam Colour), Starring M/s Mukesh, Dileep, Harisree Ashokan, Jagathy, Rajan P.Dev Gayatri, KPAC Lalitha & Others and directed by Thaha; 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?

A. No. 3104 of 2006

M/s Kairali Television,
Unit of Malayalam Communication Ltd.,
Rep. by its Managing Director,
Vadakkekottaram,
Padmavilasom Road, Fort P.O.
Thiruvananthapuram - 695 023
Kerala.

..Applicant

Vs.

1. M/s. SUN TV PVT. Ltd.,
Rep. by its Manager (Programming)
No. 367-369, Anna Salai,
Teynampet,
Chennai 600 018.

2. M/s Gee Bee Videos
Rep. by its Proprietrix,
Flat No.B/1-C, Garden Court Apartments,
Aalinchuvadu, Palarivattom,
Cochin - 682 024
Kerala.

3. M/s Vinodh Movies,
Rep. by its Proprietor
TDS Road,
Kochi - 682 035
Kerala.

..Respondents

Application praying that this Hon'ble Court be pleased to reject the
plaint.

~~This Suit~~ alongwith these applications coming on this day before this

court for hearing in the presence of Mrs. M. Sneha, for Mr. J. Ravindran,



Advocate for the plaintiff in C.S.No. 443 of 2005 and for the Applicant in O.A.No. 533 of 2005 and for the 1st respondent in A.No. 3104 of 2006 and Mr. N. Srinivas Jayaprakash, Advocate for the 1st defendant in C.S.No. 443 of 2005 and for the respondent in O.A.No. 533 of 2005 and for the applicant in A.No. 3104 of 2006 and upon reading the plaint filed in C.S. No.443 of 2005 and the judge's summon and the affidavit of L. Jotheeswaran filed in O.A.No. 533 of 2005 and the judge's summons and the affidavit of M. Venkitaraman filed in A.No. 3104 of 2006 and the affidavit of M. Jyothibasu filed in C.S. No. 443 of 2005 and the counter affidavit of M. Jyothibasu filed in A.No. 3104 of 2006 and this court having observed that there is no prayer for damages in the plaint, therefore, without going into the controversy as to whether, both the movies are same or not, it is ordered as follows:-

That the right assigned to the defendants had expired and the defendants no longer claim right over the movie subject matter of the suit.

2. That it shall be open to the plaintiff to establish its rights under the agreement dated 18.03.2004 against any other person who claims any right over the movie in question.

3. That the A. No. 3104 of 2006 shall stand dismissed.

4. That the O.A No. 533 of 2005, do stand closed.



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

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WITNESS THE HON'BLE JUSTICE MR. SANJIB BANERJEE, THE
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 21ST
DAY OF JUNE, 2021.

Sd./-

ASSISTANT REGISTRAR (COMM. CASE)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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VF-14.07.2021

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C.S. No.443 of 2005
&
O.A.No.533 of 2005
&
A. No. 3104 of 2006

ORDER :-

DATED: 21.06.2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 23/07/2021

APPROVED ON: 26/07/2021

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

WEB COPY

DATED : 21.06.2021**CORAM****THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN****C.S.No.443 of 2005,****O.A.No.533 of 2005****and****A.No.3104 of 2006**

M/s.SUN TV PVT. Ltd.,
Rep. by its Manager (Programming)
No.367-369, Anna Salai,
Teynampet,
Chennai – 600 018.

...Plaintiff

.Vs.

1.M/s.Kairali TV.,
Unit of Malayalam Communications Ltd.,
Rep. by its Managing Director,
Vadakkekottaram,
Padmavilasom Road, Fort P.O.
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2.M/s.Gee Bee Videos
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Aalinchuvadu, Palarivattom,
Cochin – 682 024
Kerala.

3.M/s.Vinodh Movies,
Rep. by its Proprietor
TDS Road,
Kochi – 682 035
Kerala.

... Defendants



Plaint filed under Section 55 and 56 of the Copy Right Act, 1957 and Order IV Rule 1 of the Original Side Rules, 1956 read with Order VII Rule 1 of the Code of Civil Procedure praying for:

a) declaring that the plaintiff is the owner of the entire Copy Rights in the Cinematography film “Thekkekara Superfast” (Malayalam Colour), starring M/s.Mukesh, Dileep, Harisree Ashokan, Jagathy, Rajan P.Dev Gayatri, KPAC Lalitha & Others and directed by Thaha; 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;

b) consequential permanent injunction restraining the first 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 “Thekkekara Superfast” (Malayalam Colour), starring M/s.Mukesh, Dileep, Harisree Ashokan, Jagathy, Rajan P.Dev Gayatri, KPAC Lalitha & Others and directed by Thaha; 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 and

c) directing the first defendant to pay costs.



For Plaintiff : Mrs.M.Sneha
for Mr.J.Ravindran

For Defendants : Mr.N.Srinivas Jayaprakash for D1

No appearance for D2 and D3

J U D G M E N T

The plaintiff has sued for the following reliefs:-

a) A declaration that the plaintiff is the owner of the entire Copy Rights in the Cinematography film “Thekkekara Superfast” (Malayalam Colour), starring M/s.Mukesh, Dileep, Harisree Ashokan, Jagathy, Rajan P.Dev Gayatri, KPAC Lalitha & Others and directed by Thaha; 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;

b) consequential permanent injunction restraining the first defendants,



them from in any manner infringing the plaintiff's copy rights in the Cinematography film "Thekkekara Superfast" (Malayalam Colour), starring M/s.Mukesh, Dileep, Harisree Ashokan, Jagathy, Rajan P.Dev Gayatri, KPAC Lalitha & Others and directed by Thaha; 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 and

c) directing the first defendant to pay costs.

2. It is the contention of the plaintiff that the Producer of the movie viz., M/s.Vinodh Movies assigned Satellite Rights (Television Rights) to one M/s.Gee Bee Videos under the agreement dated 17.02.2004. The said Gee Bee Videos viz., the 2nd defendant in turn assigned the rights to the plaintiff under the agreement dated 18.03.2004. Therefore, the plaintiff would claim that it is entitled to the copyright of the movie "Thekkekara Superfast".

3. The defence is that the original Producer viz.,M/s.Canary Films had



assigned the Satellite Rights to one M/s.Rappadi Release under the agreement dated 07.05.2001 and the said M/s.Rappadi Release, the assignee had parted with its rights in favour of M/s.Gayathri Release under an agreement dated 12.01.2002. It is the further claim in defence that the said M/s.Gayathri Release which is a Proprietary concern assigned the rights to the 1st defendant on 08.04.2005. But, the name of the movie in the two sets of agreement is different.

4. However, Mr.N.Srinivas Jayaprakash, learned counsel appearing for the 1st defendant would now contend that the 1st defendant viz., Kairali Television is not claiming any right over the movie as of today since the term of its agreement is already over.

5. As adverted to there is no prayer for damages in the plaint. Therefore, without going into the controversy as to whether both the movies are same or not, the suit is disposed of solely on the ground that the right assigned to the defendants had expired and the defendants no longer claim right over the movie subject matter of the suit. There will be no costs. It will be open to the plaintiff to establish its rights under the agreement dated 18.03.2004 against any other person who claims any right over the movie in



of 2021 will stand dismissed and the application in O.A.No.533 of 2005 will stand closed.

Sd./- R.S.M.J.,

21.06.2021

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.,

21.06.2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

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