



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.495 of 2005

In the matter of Indian Copy
Right Act, 1957 and in the
matter of 'BLADE II'
(Eng.Col.).

M.Guna sekar,
Prop: Sree Kalaa Enterprises,
No.11, Wallers Road,
Chennai – 600 002.

... Plaintiff

Versus

1. M/s.VISWAS FILMS Pvt., Ltd.,
by its Managing Director V.Sundar,
38, Nathamuni Street,
T.Nagar, Chennai – 17.

2. M/s.Global film Distribution Inc.,
rep. by Daljinder Singh,
12, Pond Drive,
Muttentown, New york – 11791

... Defendants

Civil suit praying that this Hon'ble Court be pleased to Judgment and

Decree against the defendants as follows:-



(a) for a declaration that the plaintiff is the absolute owner of the limited copyright of the film 'BLADE II' for distribution, exhibition and exploitation in the entire Indian territory in English version as well as in dubbed version in all Indian languages by dubbing the film in the Indian languages by virtue of the agreement dated.14.06.2004 entered into between the plaintiff and defendant No.1;

(b) for a permanent injunction, restraining the defendants, their agents, men, servants, lessees, purchasers or anyone claiming any right over the said film 'BLADE II' through the defendants, particularly the 2nd defendant, from alienating or selling or dealing with the rights of the film 'BLADE II' in any way, directly or indirectly, or from dubbing the said film into any Indian languages.

(c) for costs of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Ms.B.Sindhu for Mr.G.Vijaya Kumar, Advocate for the 2nd defendant herein and the plaintiff not appearing in person or by advocate and upon reading the plaint filed herein and this court having observed that since none appeared for the plaintiff on 15.09.2021, the suit was directed to be listed today under the caption for dismissal. Even today there is no



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(i) That the suit in C.S.No.495 of 2005 be and is hereby dismissed for non-prosecution.

(ii) That there shall be no costs in this suit.

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

Sd./-

ASSISTANT REGISTRAR (O.S.I)

//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.



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VSP
05/10/2021

C.S. No.495 of 2005

ORDER

DATED : 21.09.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL:12.11.2021

APPROVED ON:17.11.2021



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.495 of 2005

M.Gunasekar

...Plaintiff

.Vs.

1.M/s.VISWAS FILMS Pvt. Ltd.,
by its Managing Director V.Sundar,
38, Natha Muni Street,
T.Nagar, Chennai – 17.

2.M/s.Global Film Distribution Inc.,
rep. by Daljinder Singh,
12, Pond Drive,
Muttentown, New York 11791.

... 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 Section 55 and 62 of the Copy Right Act, 1957 praying:

a) for a declaration that the plaintiff is the absolute owner of the limited copyright of the film 'BLADE II' for distribution, exhibition and exploitation in the entire Indian territory in English version as well as in dubbed version in all Indian languages by dubbing the film in the India

Language by virtue of the agreement dated 14.06.2004 entered into between



b) for a permanent injunction, restraining the defendants, their agents, men, servants, lessees, purchasers or anyone claiming any right over the said film 'BLADE II' through the defendants, particularly the 2nd defendant, from alienating or selling or dealing with the rights of the film 'BLADE II' in any way, directly or indirectly, or from dubbing the said film into any Indian languages and

c) for costs of the suit.

For Plaintiff : No appearance

For Defendants : Ms.B.Sindhu
for Mr.G.Vijayakumar for D2

J U D G M E N T

Since none appeared for the plaintiff on 15.09.2021, the suit was directed to be listed today under the caption 'for dismissal'. Even today there is no representation for the plaintiff. Hence, the suit is dismissed for non-prosecution. No costs.

Sd./-R.S.M.J
21.09.2021



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
21.09.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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