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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 15th DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A. No.76 of 2021

and

A. Nos.455 & 870 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of an application
under Section 9 of the Act and
In the matter of disputes arising
out of agreement dated
21.01.2016 and agreement dated
10.12.2018

M/s.TSR Films Private Limited,
No.15, 5th Cross Street,
Lake Area, Nungambakkam,
Chennai-600 034
rep. by Mr.R.P.Balamurugan,
Chief Executive Officer

... Applicant
(in O.A. No.76 of 2021 and
A. No.455 of 2021)

-Versus-

M/s.Rohini Movie Park,
No.171/2, Poonamali Road,
Koyembedu, Chennai-600 107.

... Respondent
(in O.A. No.76 of 2021 and
A. No.455 of 2021)

**O.A. No.76 of 2021:-**

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Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the respondent, its partners, employees, agent and anyone acting on their behalf from any manner exhibiting any digital content including but not limited to Movies, Short Films, Advertisements, DAVPs and other digital exhibitions using any other Digital Cinema Equipment other than that of the Applicant as per Agreements dated 21/01/2016 and 10/12/2018 pending final adjudication of disputes between the Applicant and the Respondent through arbitration.

A. No.455 of 2021:-

Application praying that this Hon'ble Court be pleased to pass an order directing the respondent to furnish security for an amount of Rs.4,40,00,000/- being the cost of the Applicants equipment and devices installed in the premises of the respondent in furtherance to the agreement dated 21/01/2016 and 10/12/2018 failing which order attachment of the immovable property and movable property of the respondent situated at Rohini Movie Park, No.171/2, Poonamalee High Road, Koyambedu, Chennai 600 107 pending resolution of the disputes through arbitration.

**A. No.870 of 2021:-**

M/s.TSR Films Private Limited,
No.15, 5th Cross Street,
Lake Area, Nungambakkam,
Chennai-600 034
Represented by Mr.R.P.Balamurugan,
Chief Executive Officer

... Applicant/Applicant

-Versus-

Mr.R.Paneerselvam,
Managing Partner,
M/s.Rohini Movie Park,
No.171/2, Poonamali Road,
Koyembedu, Chennai-600 107.

... Respondent/Respondent

Application praying that this Hon'ble Court be pleased to initiate appropriate action against the respondents herein in respect of their willful disobedience and/or breach of the order of interim injunction dated 12.02.2021 granted by this Hon'ble Court in O.A. No.76 of 2021, including detaining the respondent herein and all the persons in charge of the respondent's business in civil prison for such period.

These applications coming on this day before this court for hearing through video conferencing in the presence of Mr.Dhanaram Ramachandran for M/s.D.R.Law Chambers, Advocates for the applicant in all the applications, and Mr.Vijayan Subramanian advocate for the respondent in



Commissioner appearing in person, and upon reading the order herein dated 19.08.2021, **the court made the following order:-**

Today, when the matters were taken up for hearing through Video Conferencing, the learned counsel appearing for the respondent disputed certain items which were already transferred to Pro Visual Audio Private Limited in the year 2018 itself. On 10/8/2021, when the learned counsel appearing for the applicant submitted that if the injunction is not extended, they are prepared to take back all the materials which are removed and kept outside, no objection was raised by the learned Senior Counsel appearing for the respondent.

2. As the submission made before this Court on the other day as to the ownership and no dispute has been raised with regard to the ownership, this Court is of the view that those items have to be returned. If the parties are desirous of establishing ownership, the same could be done only by adducing proper evidence before the arbitral tribunal. Therefore, the respondents are directed to return the disputed items which are mentioned, as transferred to Rohini by Prova – AMC and replacements by Rohini since 2018 and also the items shown as maintained by the respondent. The ownership and other things has to be established before the Arbitrator.



3. Advocate Commissioner is requested to do the aforesaid exercise in returning the materials in terms of the order passed by this Court. The Commissioner is free to claim additional remuneration after completion of the work.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
15th DAY OF SEPTEMBER 2021.

Sd/-
ASSISTANT REGISTRAR (Comm.Cases)

//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/Decrees in this format.



ED

06.10.2021

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O.A. No.76 of 2021
and
A. Nos.455 & 870 of 2021

ORDER

DATED : 15.09.2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 06/10/2021

APPROVED ON: 13/10/2021

Copy to:-

Mr.Subhang Parameshwaran Nair,
Advocate Commissioner,
residing at C 2 Samskruthi
Apartments,
No.27/15, Dr.Radhakrishnan Salai,
9th Street, Mylapore,
Chennai 600 004.
(Mobile No.9597356421)



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Sd./-N.S.K.J.
15.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.