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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 9th DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.No.1896 of 2021

in

C.S. No.35 of 2021

SPM Arts LLP

Represented by its Designated Partner,

Sanjay Kumar Lalwani,

Having its Office at

No.66B Seeyalam,

1st Street, F1, 1st Floor,

Villivakkam, Chennai 600 049

... Applicant/Plaintiff

-Versus-

1.Chakri Chigurupati,

Proprietor,

Sri Kanaka Durga Chalana Chitra,

Having Office at:

No.8-3-973/1,

Sri Durga Splendor, 1st Floor

Srinagar Colony,

Hyderabad – 500 073.

2.B.Kumar,

Proprietor,

Bangalore Kumar Films,

Having Office at

7/8, T N Somanna Complex,

2nd Cross, Gandhi Nagar,

Bangalore – 560 009.

Also at:

No.9/41, 57th Street,

10th Sector, KK Nagar,

Chennai 600 078.



3. Mohandas Pai,
Proprietor,
Dheeraj Enterprises,
No.245, 5th Cross, 5th Block,
3rd Phase, BSK 3rd Stage,
Bangalore – 560 085.

4. Qube Cinema Technologies Pvt. Ltd.
No.1034, Dr.Rajkumar Road,
Rajajinagar 4th Block,
Bangalore – 560 010.

5. Zee Entertainment Enterprises Limited,
Represented by its Director,
Having Regional Office at
No.39, 3rd Floor,
United Mansions, MG Road,
Bangalore – 560 001.

6. Aditya Music (India) Private Limited,
Represented by its Director,
Having Registered Office at
3-5-1091/7, Venkateshwara Colony,
Narayanaguda, Hyderabad,
Telangana 500 029.

... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to reject the
plaint in C.S. (Comm. Div) No.35 of 2021 under the Order VII Rule 11 (d)
of the code of Civil Procedure, 1908.

This application coming on this day before this court for hearing, the
Court made the following order:

This application is filed to reject the plaint on the ground that the suit

is barred by law.



2.Learned counsel for the applicant/first defendant drew attention of this Court the two documents relied by the plaintiff, one the Assignment of World Satellite rights in respect of the movie “Shadow” and another document the Finance Agreement entered between the plaintiff and the first defendant. As far as the first document viz., the Assignment Deed, the learned counsel for the applicant drew the attention of this Court the sign and seal of a third party found in the document but no reference about him in the entire assignment deed. So far as the second document, which is finance agreement dated 09.07.2018, it is contended by the learned counsel that the document does not mention about the place of execution and therefore, the averment made in the plaint that the cause of action was the finance agreement entered at Clements Road, Chennai is per se false and for that reason, the suit cannot be entertained.

3.Learned counsel for the respondent/plaintiff submitted that the doubt raised by the applicant in respect of the Assignment Deed and the Finance Deed are matter of facts to be proved during the trial and per se, it does not debar the plaintiff from instituting suit before this Court.

4. It is settled law that before deciding application for rejection of the plaint that the pleadings as a whole and the documents relied has to be



looked holistically and particularly, when the application is filed under Order VII Rule 11(d), the Court has to look into the material facts placed before it to find out whether there is any statutory bar to entertain the suit.

5. In this case, on considering the submissions made by the learned counsel for the applicant and the averment in the affidavit, the applicant relied upon the content of the documents which are suit document 2 and 4. Whether the extra sign and seal found in the first page of the suit document 2 and 4 which indicates that one Mr. Kumar signed on behalf of the “Bangalore Kumar Films” will invalidate the documents and whether omission of not specifically mentioning the place of execution in document No.4 and also the absence of the first defendant firm seal in these documents will not take away the jurisdiction of this Court. All these issues are matter for consideration in the course of the trial. Certainly, these grounds cannot non suit the plaintiff. Hence, this application is dismissed.

Sd/-G.J.J
09.07.2021

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

JJ 16/07/2021 COURT OFFICER(O.S.)
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