

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 14TH DAY OF JUNE 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

O.A. No.317 of 2021
in
C.S. No.192 of 2021

Ubaide Rahaman Jameel,
S/o.Jameel Basha,
No.19B/47, A.J.Colony,
4th Street, Royapuram,
Chennai-600 013.

...Applicant/Plaintiff

Versus

1.M/s.Etcetera Entertainment,
Represented by their Authorised
Signatory V.Mathiazhagan,
Producers of the movie MAHA
No.33, Ganapathy Colony 3rd Street,
Pasumpon Muthuramalinga Thevar Road,
Teynampet, Chennai-600 018.

2.V.Mathiazhagan,
Authorised Signatory,
M/s.Etcetera Entertainment,
No.33, Ganapathy Colony 3rd Street,
Pasumpon Muthuramalinga Thevar Road,
Teynampet, Chennai-600 018.

3.Anju Vijay
Assistant Director, Movie MAHA,
At No.33, Ganapathy Colony 3rd Street,
Pasumpon Muthuramalinga Thevar Road,
Teynampet, Chennai-600 018.

4. John abraham,
 Editor, Movie MAHA,
 At No.33, Ganapathy Colony 3rd Street,
 Pasumpon Muthuramalinga Thevar Road,
 Teynampet, Chennai-600 018.

..Respondents/Defendants

Original Application praying that this Hon'ble Court be pleased to grant ad-interim injunction restraining the defendants 1 and 2 from releasing and continuing to permit the screening of the movie 'MAHA' either by way of theatrical exhibition, in satellite or digital exhibition such as Over The Top Platforms online throughout the world in any of the world languages of original, dubbing or in remake version through satellite relay, online relay, digital relay from anywhere in the world with or without subtitles including any translated or transliterated version by any person or person claiming through the defendants pending disposal of the suit.

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

Heard the Learned Counsel for the applicant/plaintiff and the Learned Counsel for the respondents/Defendants.

2. The plaintiff, who has entered into an agreement with the 1st defendant to direct the movie 'MAHA'. seek interim injunction of the release of the movie. The grievance of the applicant/plaintiff is that the respondent/defendants have violated the valuable right as the Director and

guaranteed under Section 57 of the Copyrights Act, 1957.

3. According to the plaintiff, he was not permitted to complete the movie as per his wish and the movie has been edited and completed with the help of his Assistant by name Vijay, in the absence of the plaintiff and hence, the suit has been filed for injunction restraining the defendants from releasing the movie without vital scenes running to the tune of about 30 minutes and also to pay a sum of Rs.15,85,000/- (Rupees Fifteen Lakhs and Eighty Five Thousand only), being the balance of the salary payable to the plaintiff, as per the Director's agreement dated 27.07.2018 besides the damages and compensation of Rs.10,00,000/- (Rupees Ten Lakhs only).

4. However, the said application is contested by the respondents/defendants on the ground that the movie shooting was completed and ready to be released at "Over The Top Platform", after obtaining clearance from Sensor Board. As far as the misunderstanding between the plaintiff as the Director and the 1st defendant as the producer, the issue was escalated by a complaint given by the plaintiff to the Director's Association and after mediation, the plaintiff and the defendants agreed to settle the dispute as per the terms of agreement arrived at

been paid by way of Demand Draft drawn in favour of Director's Association and in turn the plaintiff has agreed to complete the shooting and editing of the final version of the movie and the said final version if is to the satisfaction of the producer, same will be retained by the producer.

5. The Learned Counsel for the respondents relying upon the communication of the Director's Association dated 08.05.2021 submitted that having paid the agreed remuneration of Rs.5,50,000/-, the Association, on receipt of the Demand Draft had also issued "NOC" for screening the movie. Based on the letter dated 08.05.2021 the producer has made all arrangements for the movie to be screened through "Over The Top" Platform. On considering the documents and the rival submissions, this Court is of the view that the main grievance of the plaintiff is non-payment of the remuneration and tweaks the movie without his consent.

6. As far the 2nd part of the objection is concerned, the final outcome of the movie is always the prerogative of the producer who had invested money. Furthermore, as per the terms of agreement dated 27.07.2018, the Director shall have no right, title interest or other claim whatsoever over the works created on the work generated for the film

7. In the said circumstances, this Court is of the view that it is not a fit case for granting injunction. Hence, the application seeking injunction is dismissed. However, before release of the movie “MAHA” the 1st respondent shall ensure the payment of Rs.5,50,000/- to the applicant as agreed and file a memo in the Registry to vouchsafe the receipt of Rs.5,50,000/- by the applicant.

8. Post the main for filing writing statement on 28.06.2021.

Sd./-G.J.J
14.06.2021

//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.

JJ 17/06/2021

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