



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 25TH DAY OF AUGUST 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.28 of 2018

K.S. Rajasekaran @ K.S. Nagaraja
Proprietor of M/s. GSR Vinmeen Creations
Son of late T. Kadhirvel,
No.5/6, 2nd Cross Street, Bharathisalai,
Karambakkam, Porur,
Chennai – 600 116.

.... Plaintiff

-Vs-

1. The South Indian Film Chamber of Commerce,
Rep by its Honorary Secretary,
T.R. Sundaram Avenue, No. 604, IV Floor,
Anna Salai, Chennai – 600 006.
2. M/s Wonderbar Films Private Ltd.,
Rep by its authorised person,
Old No. 6, New No.13, 4th Floor,
Jaganathan Road, Thirumurthy Nagar,
Ponnangipuram, Nungambakkam,
Chennai – 600 034.
3. P.A. Ranjith
Film Director,
C/o. M/s. Wonderbar Film Private Limited,
Old No. 6 New No. 13, 4th Floor,
Jaganathan Road, Thirumurthy Nagar,
Ponnangipuram, Nungambakkam,
Chennai – 600 034.
4. Shivaji Rao Gaikward @ Rajinikanth
Son of Ramoji Rao Gaikwad,
No. 18, Raghava Veera Avenue,
Poes Garden, Chennai – 600 086.

... Defendants



Civil suit praying that this Hon'ble Court be pleased to a Judgment and decree against the Defendants.

a. to declare that the Rules 4, 5, 6 and 8 of the Rules of Procedure Governing Title Registration of the first defendant association which is the registered body under the Tamil Nadu Societies Registration Act is bad in law, null and void and the same is against the principles of natural justice.

b. to pass permanent injunction restraining the defendants, agents, representatives, assigns, legal heirs, their office bearers, persons claiming through from them etc., from conducting any shooting or making any shooting in progress of the motion picture or to release the film in any mode in any language which is titled as “Karikalan” by affixing the same as after the main title “Kala” by way of either sub-title or surname to the main title, which is being produced by the second defendant, being directed by the third defendant and being acted in the said title role by the fourth defendant as the plaintiff is having the pre-emptive right over the title, the knot and story of the chola emperor namely “Karikalan” which is modified to the present social aspects.

(amended as per order dated 23.02.2018 in App.No.1610 of 2018.)



This Civil Suit coming on this day before this court for hearing in the presence of M/s.Rajeesa, Advocates for the plaintiff herein and Mr.Gautam S.Raman, advocate for the defendants herein and upon reading the plaint filed herein and this court having observed that as far as the injunction relief sought, the prayer has become infructuous, since the shooting of movie titled “Karikalan” completed and released long ago, as far as the declaratory relief to declare Rules 4, 5, 6 and 8 of the first defendant as bad in law and null in law and against the principles of natural justice, the dispute does not fall within the scope and ambit of commercial dispute and also the valuation of the suit is not within the jurisdiction of this Court and if at all the plaintiff has any grievance regarding the validity of those Rules framed by the first defendant Association, he can freely approach the City Civil Court and get the relief and this court is of the view that keeping the suit on board for appearance of the plaintiff to engage a new counsel and conduct the suit, which has already become infructuous is needless, and **it is ordered as follows:-**

That the suit in C.S.No.28 of 2018 be and is hereby dismissed.

2) That in respect of the declaratory relief sought in the suit, the plaintiff herein shall be at liberty to move the appropriate court, which has jurisdiction if he desires.



3) That there shall be no order as to costs of this suit.

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WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
25TH DAY OF AUGUST 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
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ED

13.10.2021

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CS.No.28 of 2018

ORDER:

DATED : 25/08/2021

THE HON'BLE DR. JUSTICE
G. JAYACHANDRAN

FOR APPROVAL: 08/11/2021

APPROVED ON : 18/11/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S. No.28 of 2018

K.S. Rajasekaran @ K.S. Nagaraja
Proprietor of M/s. GSR Vinmeen Creations
Son of late T. Kadhivel,
No.5/6, 2nd Cross Street, Bharathisalai,
Karambakkam, Porur, Chennai – 600 116.

.... Plaintiff

Versus

1. The South Indian Film Chamber of Commerce,
Rep by its Honorary Secretary,
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4. Shivaji Rao Gaikward @ Rajinikanth
Son of Ramoji Rao Gaikwad,
No. 18, Raghava Veera Avenue,
Poes Garden, Chennai – 600 086.

... Defendants



Prayer: Plaint under Order VII Rule 1 of CPC read with Order IV Rule 1 of the Madras High Court Original Side Rules, praying for the following:

a. to declare that the Rules 4, 5, 6 and 8 of the Rules of Procedure Governing Title Registration of the first defendant association which is the registered body under the Tamil Nadu Societies Registration Act is bad in law, null and void and the same is against the principles of natural justice.

b. to pass permanent injunction restraining the defendants, agents, representatives, assigns, legal heirs, their office bearers, persons claiming through from them etc., from conducting any shooting or making any shooting in progress of the motion picture or to release the film in any mode in any language which is titled as “Karikalan” by affixing the same as after the main title “Kala” by way of either sub-title or surname to the main title, which is being produced by the second defendant, being directed by the third defendant and being acted in the said title role by the fourth defendant as the plaintiff is having the pre-emptive right over the title, the knot and story of the chola emperor namely “Karikalan” which is modified to the present social aspects.

(amended as per order dated 22.02.2018 in App.No.1610 of 2018.)

c. to direct the defendants to pay costs.

For Plaintiff : M/s.Rajeesa
For Defendant : Mr.Gautam S.Raman

J U D G M E N T

This matter is pending for more than three years. On 14.07.2021, when the matter was listed, there was no representation for the plaintiff.

Hence, the case was adjourned to 16.07.2021. On that date, the learned



counsel for the plaintiff appeared and stated that he has already given consent for change of counsel. Therefore, the Registry was directed to list the matter after two weeks and print the name of the new counsel, if any. When the matter was listed on 30.07.2021, again it was found that there was no counsel for the plaintiff. However, Mr.V.Raghupathy, the erstwhile counsel for the plaintiff informed the Court that the plaintiff contacted him and requested him to get 10 days time to engage a new counsel. Accepting his request, the case was adjourned to 25.08.2021 for further proceedings. Today (25.08.2021, an Advocate through video conferencing represented the plaintiff and stated that she has got instruction from the plaintiff and she will file vakalat in the course of the day.

2. On perusing the plaint, this Court finds that the suit is to declare certain Rules of procedure governing the Title Registration framed by the first defendant Association and for permanent injunction restraining the defendants from conducting, shooting the film in any mode which is titled as “Karikalan”.

3.As far as the injunction relief sought, the prayer has become infructuous, since the shooting of movie titled “Karikalan” completed and released long ago. As far as the declaratory relief to declare Rules 4, 5, 6 and 8 of the first defendant as bad in law and null in law and against the



ambit of commercial dispute and also the valuation of the suit is not within the jurisdiction of this Court.

4. If at all the plaintiff has any grievance regarding the validity of those Rules framed by the first defendant Association, he can freely approach the City Civil Court and get the relief. Hence, this Court is of the view that keeping the suit on board for appearance of the plaintiff to engage a new counsel and conduct the suit, which has already become infructuous, is needless. Hence, the suit is dismissed. No order as to costs.

5. However, in respect of the declaratory relief sought in the suit, the plaintiff is given liberty to move the appropriate Court, which has jurisdiction, if he desires.

Sd./- G.J.J.
25.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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