

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**

C.S.No.253 of 2020

M/s.Sun TV Network Limited,
Represented by its Authorised Signatory
Mr.M.Jyothibas
Murasoli Maran Towers,
73, MRC Nagar Main Road,
MRC Nagar,
Chennai – 600 028.

.. Plaintiff

/versus/

MX Media & Entertainment Pvt Limited.,
A Company incorporated under the laws of Singapore
Registered Office :71, Robinson Road, #14-01,
Singapore 068895.
Branch office: 2nd Floor, Wing A,
Kanakia Wallstreet,
Village Chakala,
Andheri Kurla Road, Andheri (E)
Mumbai – 400 093.
Maharashtra.

.. Defendant

This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules, read with Section 2(1)(c)(xvii) read with 1st proviso of Section 7 of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (Act 4 of 2016) and Sections 55 and 62 of the Copyrights Act, Order VII Rule 1 of CPC prayed for a Judgment and Decree against the defendant:-

i).Pass a decree for permanent injunction, restraining the Defendant, their partners, proprietors, directors, shareholders, officers, servants and agents, their representatives, franchisees, nominees and other known and unknown parties acting on their behalf, from communicating or making available or distributing, or duplicating, or displaying, or releasing, or showing, or uploading, or downloading or exhibiting or playing and/or defraying the schedule mentioned films in any manner without proper license from the plaintiff or in any other manner which would violate/infringe the plaintiff's copyright and exclusivity in the impugned films through different mediums like internet, television, CD, DVD, Blu-ray, VCD, Cable TV, DTH, MMS, Tapes, Conditional Access System or in any other like manner; and

b).Pass a decree of damages for a sum of Rs.14,96,57,200/- (Rupees fourteen crores, ninety six lakhs, fifty seven thousand and two hundred only) on account of violation/infringement of the copyright of the plaintiff; and

c). Pass the decree for rendition of accounts against the defendant in respect of violations/infringements by the defendant of the plaintiff's copyright in the schedule mentioned films and for payment of the said monies earned by the defendant from such violation to the plaintiff along with interest @ 18 % per annum; and

d).an order of costs in favour of the plaintiff.

For Plaintiff : Ms.M.Sneha
For Defendant : Mr.A.K.Raghavulu

JUDGMENT

A memo dated 31.03.2021 had been filed by the learned counsel for the plaintiff, which is as follows:

“It is submitted that, the plaintiff and the defendants have entered into a memorandum of understanding dated 11.03.2021 between themselves and have amicably settled the issue by mediation among themselves. Pursuant to the issue being settled amicably between the parties to the suit, this Honourable court may be pleased to permit the plaintiff to withdraw the suit as settled out of court.

It is therefore prayed that this Honourable court may be

pleased to dismiss the suit as withdrawn as settled out of Court and pleased to order refund of the full court fee paid by the plaintiff and thus render justice.

Dated at Chennai this the 31st day of March, 2021.

*sd/-
Counsel for Plaintiff*

2. In view of the said memo dated 31.03.2021, which had been signed by the learned counsel for the plaintiff, the suit is dismissed as withdrawn as settled out of Court. No order as to costs.

3. The Plaintiff is entitled for refund of Court fees and the Registry may refund the Court fees in accordance with the rules, to the Plaintiff, on proper acknowledgment and undertaking.

31.03.2021

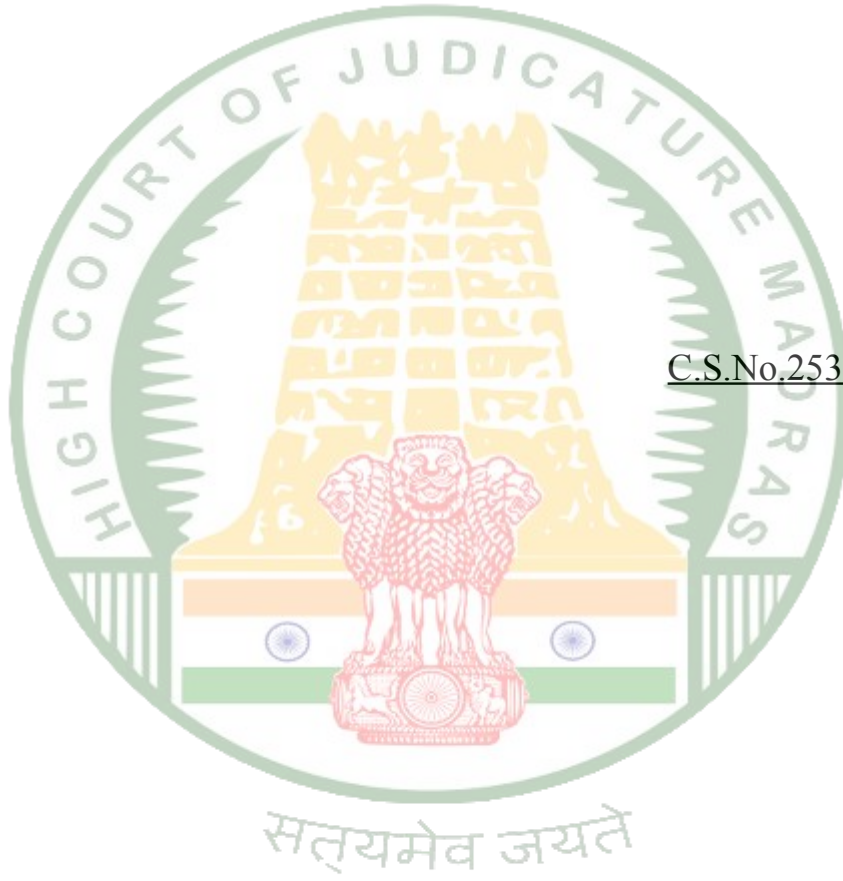
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Internet : Yes / No

Index : Yes / No

C.V.KARTHIKEYAN,J.

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