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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

O.S.A. (CAD) No.71 of 2021

Chakri Chigurupati

... Appellant/1<sup>st</sup> Defendant

Vs

1.SPM Arts LLP  
represented by its designated partner  
Sanjay Kumar Lalwani

... 1<sup>st</sup> Respondent/Plaintiff

2.B.Kumar  
Proprietor, Bangalore Kumar Films

3.Mohandas Pai  
Proprietor, Dheeraj Enterprises

4.Qube Cinema Technologies Pvt. Ltd.,  
No.1034, Dr.Rajkumar Road,  
Rajajinagar 4<sup>th</sup> Block,  
Bangalore 560 010

5.Zee Entertainment Enterprises Ltd.  
rep. By its Director,  
having Regional Office at  
No.39, 3<sup>rd</sup> Floor,  
United Mansions, MG Road,  
Bangalore 560 001

6.Aditya Music (India) Pvt. Ltd  
rep. By its Director,  
registered office at  
3-5-1091/7, Venkateshwara Colony,  
Narayanaguda,  
Hyderabad, Telengana 500 020

... Respondents 2 to 6/Respondents



Appeal filed against the Fair and Decretal Order of this Court dated 09.07.2021 in A.No.1896 of 2021 in C.S.(Comm.Div) No.35 of 2021.

**Prayer in A.No.1896/2021:-**

To reject the Plaint in CS.NO.35/2021 under order VII Rule II(d) of the code of Civil Procedure, 1908 and pass any such further orders.

For the Appellant : Mr.S.Sivaraman

**JUDGMENT**

(Delivered by the Hon'ble Chief Justice)

The appeal is directed against a judgment and order of July 9, 2021 by which the appellant's petition under Order 7 Rule 11 of the Code of Civil Procedure for rejecting the plaint has been dismissed.

2. Since Section 13 of the Commercial Courts Act, 2015, as interpreted in the recent judgment of this court rendered on September 23, 2021 in OSA No.230 of 2019 (Hindustan Unilever Limited vs. S.Shanthi), does not permit any appeal against any order dismissing a petition for rejection of the plaint, the present appeal is not maintainable.

3. Accordingly, OSA (CAD) No.71 of 2021 is dismissed as not maintainable without going into the merits thereof. CMP No.14080 of 2021 is closed. There will be no order as to costs.

tar

-sd/-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

TO

The Sub Assistant Registrar,  
Original Side, High Court,  
Madras-600 104

O.S.A. (CAD) No.71 of 2021

SJ(CO)



PM(20/10/2021)

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