

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 24th DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A.Nos.7132 to 7137 of 2018

in

C.S. No.601 of 2018

M/s.RV Media Solutions,
Rep. by its Partner Mr.M.Ravindran,
No.28A, ABM Avenue,
R.A.Puram, Chennai 600 028.

... Plaintiff

-Versus-

1. Mr.M.S.Sharavanan, Proprietor
M/s.Sri Green Productions,
Prameela Towers, 4th Floor,
No.13B, Pulliyur 1st Lane,
Kodambakkam, Chennai 600 024.

2. Mr.C.J.Jayakumar, Proprietor
M/s.CAMEO Films
No.59, Vijayaraghava Road,
T.Nagar, Chennai 600 017.

... Defendants

A.Nos.7132 and 7133 of 2018:

K.Kalaiyappan,
27,Meeran Sahib Street,
Mount Road, Chennai-600 002.

..Applicant/3rd Party

-Versus-

M/s.RV Media Solutions,
Rep. by its Partner Mr.M.Ravindran,
No.28A, ABM Avenue,
R.A.Puram, Chennai 600 028.

...1st Respondent Plaintiff

2. Mr.M.S.Sharavanan, Proprietor
M/s.Sri Green Productions,
Prameela Towers, 4th Floor,
No.13B, Pulliyur 1st Lane,
Kodambakkam, Chennai 600 024.

..2nd Respondent/1st
Defendant

3. Mr.C.J.Jayakumar, Proprietor
M/s.CAMEO Films
No.59, Vijayaraghava Road,
T.Nagar, Chennai 600 017.

...3rd Respondent/ 2nd Defendant

A.No.7132 of 2018:

Application praying that this Hon'ble Court be pleased to order
impleadment of the Applicant/3rd Party as a Respondent in O.A.No.795 of
2018 in C.S.No.601 of 2018.

A.No.7133 of 2018:

Application praying that this Hon'ble Court be pleased to order
impleadment of the Applicant/3rd Party in the above suit in C.S.No.601 of
2018 as the 3rd Defendant.

A.Nos.7134 of 2018:

K.Kalaiyappan,
27,Meeran Sahib Street,
Mount Road, Chennai-600 002.

..Applicant/3rd Party

-Versus-

1.M/s.RV Media Solutions,
Rep. by its Partner Mr.M.Ravindran,
No.28A, ABM Avenue,
R.A.Puram, Chennai 600 028.

...1st Respondent Plaintiff

2. Mr.M.S.Sharavanan, Proprietor
M/s.Sri Green Productions,
Prameela Towers, 4th Floor,
No.13B, Pulliyur 1st Lane,
Kodambakkam, Chennai 600 024.

...2nd Respondent/1st Defendant

3. Mr.C.J.Jayakumar, Proprietor
M/s.CAMEO Films
No.59, Vijayaraghava Road,
T.Nagar, Chennai 600 017.

...3rd Respondent/ 2nd Defendant

4.Qube Cinema Technologies Pvt. Ltd.,
\$2, Dr.Rangachari Road, Mylapore,
Chennai-600 004.

...4th Respondent / 3rd Respondent-
Garnishee

5,Real Image Technologies Pvt. Ltd.,
No.78, Third Street, Balaji Nagar,
Royapetah, Chennai -600 0014.

...5th Respondent/ 4th Respondent-
Garnishee

6.Prasad Xtreme Digital Cinema Network,
28,Arunachalam Road,
Saligramam, Chennai-600 093.

...6th Respondent/5th Respondent-
Garnishee

Application praying that this Hon'ble Court be pleased to order
Impleadment of the Applicant/3rd Party as a Respondent in Application
No.6482/2018 in C.S.No.601 of 2018.

A.Nos.7135 and 7136 of 2018:

A.Alagarswamy,
No.6, Parthasarathipuram,
T.Nagar, Chennai-600 017.

..Applicant/3rd Party

Vs

1.M/s.RV Media Solutions,
Rep. by its Partner Mr.M.Ravindran,
No.28A, ABM Avenue,
R.A.Puram, Chennai 600 028.1st Respondent Plaintiff

2. Mr.M.S.Sharavanan, Proprietor
M/s.Sri Green Productions,
Prameela Towers, 4th Floor,
No.13B, Pulliyur 1st Lane,
Kodambakkam, Chennai 600 024.2nd Respondent/1st Defendant

3. Mr.C.J.Jayakumar, Proprietor
M/s.CAMEO Films
No.59, Vijayaraghava Road,
T.Nagar, Chennai 600 017.3rd Respondent/ 2nd Defendant

A.No.7135 of 2018:

Application praying that this Hon'ble Court be pleased to order
Impleadment of the Applicant/3rd Party in the above suit in C.S.No.601/18
as the Defendant.

A.No.7136 of 2018:

Application praying that this Hon'ble Court be pleased to order
Impleadment of the Applicant/3rd Party as a Respondent in O.A.No.795/18
in C.S.No.601/18.

A.No.7137 of 2018:

A.Alagarswamy,
No.6, Parthasarathipuram,
T.Nagar, Chennai-600 017.

..Applicant/3rd Party

Vs

1.M/s.RV Media Solutions,
Rep. by its Partner Mr.M.Ravindran,
No.28A, ABM Avenue,
R.A.Puram, Chennai 600 028.1st Respondent Plaintiff

2. Mr.M.S.Sharavanan, Proprietor
M/s.Sri Green Productions,
Prameela Towers, 4th Floor,
No.13B, Pulliyur 1st Lane,
Kodambakkam, Chennai 600 024.2nd Respondent/1st Defendant

3. Mr.C.J.Jayakumar, Proprietor
M/s.CAMEO Films
No.59, Vijayaraghava Road,
T.Nagar, Chennai 600 017.3rd Respondent/ 2nd Defendant

4.Qube Cinema Technologies Pvt. Ltd.,
\$2, Dr.Rangachari Road, Mylapore,
Chennai-600 004.4th Respondent / 3rd Respondent-
Garnishee

5,Real Image Technologies Pvt. Ltd.,
No.78, Third Street, Balaji Nagar,
Royapetah, Chennai -600 0014.5th Respondent/ 4th Respondent-
Garnishee

6.Prasad Xtreme Digital Cinema Network,
28,Arunachalam Road,
Saligramam, Chennai-600 093.6th Respondent/5th Respondent-
Garnishee

Application praying that this Hon'ble Court be pleased to order

<https://hcservices.ecourts.gov.in/hcservices/>

Impleadment of the Applicant/3rd Party as a Respondent in Application
No.6482/2018 in C.S.No.601/18.

These Applications coming on this day before this court for hearing, the Court made the following order:

All these applications have been filed by third parties to the suit.

2.A.Nos.7132 of 2018, 7133 of 2018 and 7134 of 2018 have been filed by the applicant, N.Kalaiyappan to implead himself as respondent / defendant in O.A.No.795 of 2018 in A.No.6482 of 2018 and in C.S.No.601 of 2018 and A.No.6482 of 2018.

3.In the affidavits filed in support of the said applications, it had been stated that he is a bonafide right holder of the distribution of the suit picture IMAIKKA NODIGAL for Chengelpet district having acquired the sum under a Minimum Guarantee Agreement dated 26.07.2018 for a valuable consideration of Rs.2,40,00,000/- in addition to making a deposit of Rs.10,00,000/.

4.A.Nos.7135 of 2018, 7136 of 2018 and 7137 of 2018 have been filed by the applicant, A.Alagarswamy to implead himself as respondent / defendant in O.A.No.795 of 2018, A.No.6482 of 2018 and in C.S.No.601 of 2018.

5.In the affidavits filed in support of the said applications, it had been stated that he is a necessary party to the suit, since he has claimed to be a

bonafide right holder of the distribution of the suit picture IMAIKKA NODIGAL for North Arcot district having acquired the same under a Minimum Guarantee Agreement dated 21.08.2018 for a valuable consideration of Rs.60,00,000/- in addition to making a deposit of Rs.10,00,000/.

6.Heard Mr.A.Chidambaram, learned counsel for the applicants and Mr.K.Harishankar for the respondent.

7.A counter affidavit had been filed by the plaintiff in which it had been stated that the suit had been filed seeking a declaration that the plaintiff is the absolute owner of the theatrical, exhibition and exploitation rights of the film 'IMAIKKA NODIGAL' and for permanent injunction only against the 1st and 2nd defendants from releasing the said movie or in the alternate for a direction against the 1st and 2nd defendants to pay a sum of Rs.4,00,00,000/- together with interest from 03.03.2017 till date of realization. It had been stated that the applicants herein are neither necessary parties nor proper parties. If at all they are required to assist the Court, on summons, they can come forward to depose evidence in Court relating to the facts which are known to their knowledge.

8.A reading of the plaint shows that the plaintiff claims right over the said movie IMAIKKA NODIGAL pursuant an agreement entered into with the 1st defendant on 03.03.2017. The 1st defendant appears to have habit of

entering into agreements. This is reflected by the fact that the 2nd defendant also claims to have an agreement with the 1st defendant but dated 07.01.2017. Both these agreements will have to be tested during the course of trial. The agreements will have to be spoken by the parties to the agreement namely, the plaintiff / 1st defendant / 2nd defendant. The present applicants are neither parties to the said agreements nor have their permission been obtained prior to execution of the said agreements. Their right commenced after the two agreements had been executed. They can neither speak about the validity of the said agreement nor can they speak with respect to any of the contentions raised either by the plaintiff nor by the 1st / 2nd defendants relating to the circumstances surrounding the said two agreements.

9. The proper person who can depose evidence in Court are the plaintiff, 1st / 2nd defendants. The applicants herein may be interested in the outcome of the suit but they can never be called upon to speak about the said agreement. Impleading them would only be multiplying the number of defendants to no effect. If at all they are summoned, both Kalaiyappan and Alagarswamy may come forward but they can only depose about their distribution rights in Chengelpet and North Arcot Districts. Those two agreements are not the subject matter of the present suit. They will have to

10. Viewed from any angle the applicants are neither necessary parties nor proper parties. They cannot be classified as parties interested under Order I Rule 5 of the Code of Civil Procedure, 1908. The plaintiff has cause for grievance as against the 1st and 2nd defendants. The plaintiff will have to establish the reliefs sought in the plaint. The burden can never be shifted. If the plaintiff discharges that burden, then the onus would shift to either 1st or 2nd defendants to establish their rights or whatever they have stated in the written statements. They cannot shift the onus on either one of the present applicants.

11. The only conclusion which one can reach is that these applications will have to suffer an order of dismissal and accordingly, the applications are dismissed. No order as to costs.

Sd/-C.V.K.J
24/03/2021

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//Certified to be true copy//

Dated at Madras this the day of 2021.

JJ 08/04/2021

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.