

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.665 of 2019
in
C.S. No.423 of 2019

1.M/s.Mavis Satcom Limited,
Represented by its Managing Director
Mr.M.Palanivelu
48,NP, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai-600 097.

2.M/s.Jazz Cinemas Private Limited,
Represented by its Director
Mr,J,JERGUJWtb
Flat 12, 4th Floor, "Gyan Apartments",
New No.38, Old Nos.19 and 20,
Venkatraman Street,
T.Nagar, Chennai 600 017.

...Plaintiffs

Versus

1.Netflix Inc, (*)
Represented by its Manager,
Mr.Sha Seen Sayani,
Content Acquisition
Netflix Inc.335, N.Maple Drive
Suit 353, Beverly Hills,
USA, CA 90210.

Amended as per order dated 21/11/2019 in (**)
Application No.8808 of 2019

2.Arka Media Works Private Limited

Represented by its Director

Mr.Devineni Shrinivas Sai Prasad

Having its Office at,

Plot No.89/90, 4th Floor,

Ashoka Vishnu Capitol,

Annapurna Studios Lane, Road No.2,

Banjara Hills Hyderabad-500 034.

..Defendants

2nd defendant impleaded as per order dated (**)
23.11.2020 in A.No.1900/2020

O.A.No.665 of 2019:

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Represented by its Managing Director

Mr.M.Palanivelu

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...Applicants/Plaintiffs

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 Having its Office at,
 Plot No.89/90, 4th Floor,
 Ashoka Vishnu Capitol,
 Annapurna Studios Lane, Road No.2,
 Banjara Hills Hyderabad-500 034.

..Defendants

2nd defendant impleaded as per order dated (**)
 23.11.2020 in A.No.1899/2020

Original Application praying that this Hon'ble Court be pleased to grant an order of ad interim injunction restraining the Respondent/ Defendant, their men, agents, servants or any one acting on their behalf, or anyone claiming through by or under it, from in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work / content/ programme/ show in any in any other manner, directly or indirectly, infringing upon the Copyright of the Applicant/Plaintiff over the movie "BAAHUBBALI", pending disposal of the above suit.

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

O.A. No.665 of 2019 is the application filed seeking injunction restraining the respondent/defendant from infringing the copyright of the applicant/plaintiff over the Movie "BAAHUBBALI" pending disposal of the suit.

2. According to the applicant, on 01.11.2015, the second applicant entered into an agreement with the first applicant in respect of the copyright of movie "BAAHUBALI". However, it was terminated on 05.09.2019 and right to exhibit has been given to the defendant Netflix.

3. Admittedly, the exhibition of the said movie is being exploited by the defendant since 2017 and the present suit is filed in the year 2019, seeking interim injunction. The main relief is for liquidated damages to the tune of Rs.2 crores. It is further brought to the notice of this court that after filing this suit before the High Court of Madras, a counter suit has been filed by the second respondent, M/s.Arka Media Works Private Limited before the City Civil Court, Hyderabad. In the said suit, the second plaintiff herein has filed an Interlocutory Application to reject the plaint and the same is pending.

4. This Court after hearing the arguments of the respective counsels at length, is of the view that this is not a fit case for interim order without trial.

5. Considering the complexity of the matter and the relief sought in the suit, this Court is of the view that without adverting to the merits of the

itself may be disposed of on merits within a timeframe of 3 months.

Accordingly, Application No.665 of 2019 is disposed.

Post the suit on **21.06.2021** for framing issues. Learned counsels are requested to furnish draft issues, by then.

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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