

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 7TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

A. No.5559 of 2019
in
A.Dairy.No.95555 of 2019

In the matter of Arbitration and
Conciliation Act, 1996

between

M/s.Radiance Media Private
Limited and M/s.Escape Artists
Motion Pictures and others.

M/s.Radiance Media Private Limited,
Having its registered office at,
Khivraj Complex – II, 6th Floor,
480, Anna Salai, Nandanam,
Chennai – 600 028.

... Applicant/Applicant

-Versus-

1.M/s Escape Artists Motion Pictures,
Represented by Proprietor Mr.Madan,
69-A, Habibullah Road,
T.Nagar, Chennai – 600 017.

2.M/s Kondaduvom Entertainment,
Represented by its Partner,
Mr.P.Madan and Mr.Venkat Somasundaram,
69-A, Habibullah Road,
T.Nagar, Chennai – 600 017.

... Respondents/Respondents

Application praying that this Hon'ble Court be pleased to appoint
an Advocate Commissioner to seize all the materials relating to the
Advertising/Propagating/Publication of the two movies “Ennai Nokki

Payum Thotta” and “Thuruva Natchatiram” in Print/ E-publishing/ Social Media or any form of Media.

This application along with these C.S.No.46 and 47 of 2019 and A.Nos.1406, 2059 of 2019 and A.No.1667 of 2020 coming on this day before this court for hearing in the presence of Mr.R.Bhagawat Krishna, Advocate for the applicant and respondent herein, not appearing in person or by advocate and upon reading the order dated 20.02.2020 made in A.Nos.2059, 1406, 5025, 5555 to 5559, 5615, 5616 of 2019 and O.A.Nos.737 and 738 of 2019 in C.S.No.46 and 47 of 2019, It is ordered as follows:-

That the A.No.5559 of 2019 do stand closed.

2. That there shall be no costs of this Application.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 07th DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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

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12.01.2022

A. No.5559 of 2019
in
A.Dairy.No.95555 of 2019

ORDER

DATED: 07.12.2021

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 25.01.2022

APPROVED ON: 27.01.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

C.S.Nos.46 and 47 of 2019
and 1406, 2059 and 5559 of 2019 and A.No.1667 of 2020

M/s.Shraddha Entertainment,
Represented by its Partner,
Mr.Badri Kasturi

... Plaintiff in C.S.No.46 of 2019

M/s.Sun Power Solar Technick Pvt.Ltd.,
Represented by its Director,
Mrs.Radha Krishnaswamy

...Plaintiff in C.S.No.47 of 2019

Vs

1. K.Punniyamoorthy

2. K.Premkumar

3. M/s.Escape Artists Motion Pictures,
Rep by its Proprietor,
Mr.Madan Pandey.

4. Madan Pandey

5. M/s.Kondaduvom Entertainment,
A Partnership Firm, rep by its
Partner, Mr.Gautham Vasudev Menon

...Defendants in both CS

C.S.No.46 of 2019

Plaint under Order IV Rule 1 of Original Side Rules read with Order
VII Rule 1 of C.P.C praying to pass a judgment and decree against the

defendants.

(a) Declaring that the Memorandum of Understanding dated blank day of March 2018, between defendants 1 and 2 on the one hand, and defendants 3 and 4 on the other hand is collusively created, hence not binding on the plaintiff and will not in any affect the rights of the plaintiff in respect of the subject film “Dhuruva Natchatiram”.

b) Granting a consequential permanent injunction restraining the defendants from making any claim under the Memorandum of Understanding dated blank day of March 2018, mentioned above against the plaintiff or to defeat any right of the plaintiff, over the subject film “Dhuruva Natchatiram;

c) Directing the defendants to pay to the plaintiff the costs of the suit; and

C.S.No.47 of 2019

Plaint under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of C.P.C praying to pass a judgment and decree against the defendants.

(a) Declaring that the Agreement dated 18.03.2016, between defendants 1 and 2 on the one hand, and defendants 3 and 4 on the other hand is collusively created, hence not binding on the plaintiff and will not in any affect the rights of the plaintiff in respect of the subject film “Enai Nokki Paayum Thota”.

b) Granting a consequential permanent injunction restraining the defendants

from making any claim under the Agreement dated 18.03.2016 mentioned above against the plaintiff or to defeat any right of the plaintiff, over the subject film “Enai Nokki Paayum Thota”;

c) Declaring that the Memorandum of Understanding dated blank day of March 2018, between defendants 1 and 2 on the one hand, and defendants 3 and 4 on the other hand is collusively created, hence not binding on the plaintiff and will not in any affect the rights of the plaintiff in respect of the Films “Enai Nokki Paayum Thota” and “Dhuruva Natchatiram”.

d)Granting a consequential permanent injunction restraining the defendants from making any claim under the Memorandum of Understanding dated blank day of March 2018, mentioned above against the plaintiff or to defeat any right of the plaintiff, over the subject Films “Enai Nokki Paayum Thota” and “Dhuruva Natchatiram”.

e) Directing the defendants to pay to the plaintiff the costs of the suit; and

For Plaintiff : M/s.Rugan and Arya
in both CS No Appearance

For Defendants
1 and 2in both CS : Mr.K.Moorthy

COMMON JUDGMENT

There is no representation on the side of the plaintiff today. Even on the last occasion i.e. on 29.11.2021, there was no representation on the side of the plaintiff. Therefore, it can now be inferred that the plaintiff is not

interested in prosecuting the Suits. Accordingly, C.S.No.46 and 47 of 2019 are dismissed for non prosecution. No costs. Consequently, connected applications are closed.

Sd./-A.Q.J.

07.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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