



A.No.4972 of 2021
and C.S.(COMM SR).No.120169 of 2021

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D.BHARATHA CHAKRAVARTHY, J.

This suit in C.S.(Commercial S.R).No.120169 of 2021 is filed by the plaintiff, Eleven Eleven Productions Pvt. Ltd., for a mandatory injunction directing the first defendant, namely Qube Cinema Technologies Private Limited, to release the feature film *Theerpukkal Viragapadum*, through its technology support in theaters and O.T.T platform and for permanent injunction, restraining the third defendant from interfering with the rights as the owner of the film to exploit it.

2. The learned Counsel for the plaintiff would submit that the second defendant is the original producer of the movie and the second defendant has assigned the rights in favour of the plaintiff and therefore, there is no difficulty whatsoever in the plaintiff releasing the movie and exploit it in the manner as it thinks fit, including releasing on O.T.T, and theaters. However, the third and fourth defendants, who were totally strangers have, without any justification whatsoever, filed a suit before the learned Subordinate Judge, Alappuzha in C.S.No.19 of 2021 and have obtained an interim injunction in I.A.No.3 of 2021,



dated 18.12.2021, whereby, now the learned Subordinate Judge, has injuncted the releasing of the Tamil feature film in the cinema theaters and on O.T.T platform, without titling the name of the producers as '*Honey Bee creations in associations with Infinity Productions*' and by titling production as Al-Tari movie or to the name of the second defendant, pending disposal of the suit.

3. In view of the said order, the first defendant, who is only a technology partner providing technological support for official releasing movies on platforms and for giving digital prints, is refusing to hand over the digital prints, and is also refusing to provide the technological support to release on O.T.T platforms.

4. The learned Counsel for the plaintiff would further submit that in view of the difficulty on the part of the first defendant, even though they are not legally bound to comply with the order of the learned Subordinate Judge, Alappuzha, still they have included those two names, in compliance of the injunction. Even then the first defendant is refusing to release the prints or provide technological support to release the film and hence, they are before this Court.



5. I am satisfied with the reasons mentioned in the affidavit filed in the leave application that the cause of action for the major part had arisen within the jurisdiction of this Court in Chennai and therefore, considering the fact that the defendants 1 and 2 are also within the jurisdiction of this Court, leave is granted as prayed to institute the suit, as against the third and fourth defendants, before this Court and this A.No.4972 of 2021 is ordered.

6. In view of the above, the Registry is directed to number the suit, otherwise if it is in order and also the application for interim direction.

7. Since the interim direction prayed for is in the nature of positive direction, this Court is unable to pass ad-interim order, at the time of moving application itself as it is desirable to issue notice to the respondents in the application. However, considering the extreme urgency submitted by the learned Counsel for the petitioner that the movie has to be released on 31.12.2021, notice returnable by tomorrow i.e., on 30.12.2021, is ordered.



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grs

8. The learned Counsel for the petitioner is permitted to take private notice through e-mail, whatsapp or other electronic media and file proof of service before this Court for the next hearing date i.e., tomorrow (30.12.2021), at 12.30 P.M.

29.12.2021

klt/grs

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