

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 12TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

C.S.No. 782 of 2000

In the matter of copy Right Act 1957
and in respect of 7 Tamil Talkie
Pictures titled 16 VAYATHINILE
and 6 other films.

S.A. Rajkannu,
Proprietor,
Sree Amman Creations,
154, Anandan Street,
T.Nagar, Madras – 17.

... Plaintiff

-Vs-

1. P. Ganesan,
Proprietor,
M/s. R.R. Films,
Priya Complex,
Gopalapuram,
Coimbatore – 18.
2. M/s. Prasad Laboratory.
Arunachalam Road,
Chennai – 600 093.

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and decree :

1. for a declaration that the plaintiff is the sole, exclusive and
absolute owner of the Copy Right in respect of the suit pictures excepting
the 35 MM theatrical rights.

2. for a permanent injunction restraining the second defendant, their agents, servants, or anybody claiming through or under them from in any way interfering with the copy right of the plaintiff in respect of the suit pictures excepting 35 MM theatrical rights either by objecting before the second defendant laboratory or in any other manner whatsoever.

This Civil Suit along with the C.S.No.697 of 2008 in the presence of Mr.A.Chidambaram, Advocate for the plaintiff herein and the defendants herein having not appeared in person or by advocate and upon reading the plaint filed herein and the learned counsel for the plaintiff having made an endorsement on the plaint to the effect that 'Since the Suit filing are very old filing and in view of interim orders of injunction for the past 15 years, no infringement had committed by the defendant, Hence, it is prayed that the suit may be pleased to dismiss the suit as withdrawn with liberty to file fresh suit as and when necessity arises,

It is ordered as follows :-

That the suit in C.S.No. 782 of 2000, be and is hereby dismissed as withdrawn.

2. That the plaintiff herein, shall be at liberty to file a fresh suit if any cause of action has been arisen.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 12TH DAY OF APRIL 2022.

Sd/-

ASSISTANT REGISTRAR (O.S-I)

//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.

ED
11.05.2022

C.S.No. 782 of 2000

ORDER

DATED : 12.04.2022

THE HON'BLE MRS. JUSTICE
V. BHAVANI SUBBAROYAN

FOR APPROVAL : 11.05.2022

APPROVED ON : 12.05.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.04.2022

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No. 697 of 2008 and O.A.No.794 of 2008 and C.S.No.782 of 2000

1.K.P. Ravichandran

..Plaintiff in
C.S.No.697/2008

2.S.A. Rajkannu

Plaintiff in
C.S.No.782/2000

Versus

1.M/s.Sree Amman Creations,
Represented by its Proprietor S.A. Rajkannu
No.7, 3rd Street, Dr.Thirumoothy Nagar,
Nungambakkam, Chennai - 600 034.

.... 1st Defendant in
C.S.No.697/2008

2. M/s. Moser Baer India Limited,
Represented by its Proprietor
No.81, Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.

...2nd Defendant in
C.S.No.697/2008

3.P. Ganesan,
Proprietor of M/s.R.R.Films,
Priya Complex,Gopalapuram
Coimbatore- 18.

... 1st Defendant in
C.S.No.782/2000

4. M/s. Prasad Laboratory,
Arunachalam Road,
Chennai - 600 093.

... 2nd Defendant in
C.S.No.782/2000

Prayer in C.S.No. 697 of 2008:

Civil Suit filed under Order IV Rule 1 and 2 of Madras High Court Original Side Rules read with Sections 52 to 55 and 62 of the Copy Right Act, praying judgment and decree;

(i) for a declaration that the plaintiff is the sole, exclusive and absolute owner of the limited copy right in respect of VCD/DVD and Broadband rights of the 12 Tamil pictures entioned in the suit schedule for the entire Indian Territories;

(ii) for permanent injunction restraining the 2nd defendant herein or their en, agents, servants or distributors or anybody claiming through or under them from in any manner infringing the limited copy right of the plaintiff in respect of the 12 Tamil suit pictures mentioned in the schedule anywhere in India;

(iii) for directing the 2nd defendant to render true proper accounts in respect of the revenues earned by them out of the illegal marketing and distribution of the VCD/DVD of three pictures namely, 16 Vayathiniley and Kizhakke Pogum Rayil and Mahanadhi within the time to be fixed by this Court and to pay same to the plaintiff together with interest at the rate of 24% p.a. from the date of suit till the date of payment and (iv) for costs.

Prayer in C.S.No.782 of 2000:

Civil Suit filed Under Sections and 62 of the Indian Copy Right Act, 1957 read with Order IV Rules 1 and 2 of the Original Side Rules, praying judgment and decree;

1. for a declaration that the plaintiff is the sole, exclusive and absolute owner of the Copy Right in respect of the suit pictures excepting the 35 MM theatrical rights.

2. for a permanent injunction restraining the second defendant, their agents, servants, or anybody claiming through or under them from in any way interfering with the copy right of the plaintiff in respect of the suit pictures excepting 35 MM theatrical rights either by objecting before the second defendant laboratory or in any other manner whatsoever and,

3. for costs.

For Plaintiffs : Mr.A. Chidambaram

For Defendants : No Appearance

COMMON JUDGEMENT

Today, when the suits are taken up for hearing, the learned counsel appearing for the plaintiff in both the suits submitted that he seeks permission of this Court to withdraw the civil suits. He has also made an

endorsement on the complaints to that effect, after interim injunction was granted on 14.10.2008. Based on that, there was no such infringement has taken place. Hence, the suits were of the year 2000 and 2008.

2. In view of the above, the suits are dismissed as withdrawn with liberty to file a fresh suit if any cause of action has been arisen. The interim injunction already granted in O.A.No.794 of 2008 in C.S.No.697 of 2008 is vacated and the same is closed.

Sd./- V.B.S.J.,
12.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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