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OSA No.113/2020 and
OSA Nos.255, 258/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

OSA No.113 of 2020 and

OSA Nos.255 and 258 of 2019

OSA No.113/2020

M/s Picture house Media Ltd.,
rep. by its authorised signatory
Mr.G Sam Dinakaran Durairaj,
having its registered office at Door No.2,
9th floor, KRM Centre, Harrington Road,
Chetpet, Chennai 600 031.

... Appellant

Vs.

1.M/s Yousouf Siddique, s/o Syed Ibrahi
846/4, Annasalai, Wallers Road,
Chennai 600 002.

2. M/s Jaya Balajee Real Media Private Limited
(incorporated vide certificate of incorporation
consequent upon name change dated 27.12.2013)
Formerly known as M/s Balaji Real Media Private Limited,
having its registered office at flat No.D & E, first floor,
Ranjana Park, Banumathi Ramakrishnan Road,
Saligramam, Chennai 600 093.

... Respondents



OSA No.113/2020 and
OSA Nos.255, 258/2019

in OSA No.255/2019

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M/s Jaya Balajee Real Media Private Limited
(incorporated vide certificate of incorporation
consequent upon name change dated 27.12.2013)
Formerly known as M/s Balaji Real Media Private Limited,
having its registered office at flat No.D & E, first floor,
Ranjana Park, Banumathi Ramakrishnan Road,
Saligramam, Chennai 600 093.

... Appellant

Vs.

1. Yousouf Siddique.

2. Balaji Colour Laboratory,
rep. by its partner C.Kalyan,
Plot No.31B, H.No.G1 Road,
No.5, Jubilee Hills, Hyderabad 500 033.

(R2 impleaded as party respondent, vide order dated 5.10.2021
in OSA Nos.255 to 258 of 2019 and 113 and 114 of 2020
in CMP Nos.10424, 10425, 10427, 13522 and
16688 of 2021)

...

Respondents

in OSA No.258/2019

M/s PVP Capital Limited,
rep. by its authorised Signatory
Mr.Sam Dhinakaran Durairaj, having its
registered office at Door No.2, 9th floor,
KRM Centre, Harrington Road,
Chetpet, Chennai 600 031.

... Appellant

Vs.



OSA No.113/2020 and
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WEB COPY

1. Yousouf Siddique

2. M/s Jaya Balajee Real Media Private Limited
(incorporated vide certificate of incorporation
consequent upon name change dated 27.12.2013)
Formerly known as M/s Balaji Real Media Private Limited,
having its registered office at flat No.D & E, first floor,
Ranjana Park, Banumathi Ramakrishnan Road,
Saligramam, Chennai 600 093.

3. Balaji Colour Laboratory,
rep.by its partner C.Kalyan,
Plot No.31B, H.No.G1 Road, No.5
Jubilee Hills, Hyderabad 500 033.
(R3 impleaded as party respondent vide order dated
05.10.2021 in OSA No.255 to 258 of 2019 and 113 and 114 of 2020
in CMP Nos.10424, 10425, 10427, 13522 and
16688 of 2021)

... Respondents

Prayer in all OSA No.113 of 2020, OSA No.255, 258 of 2019: Original side
appeal filed under Order XXXVI Rule XI of the Original Side Rules r/w
Clause 15 of Letters Patent to set aside the fair and decretal order passed
by this Court in A.No.877/2019 in C.S.No.411/2017, dated 27.08.2019.

In OSA No.113/2020

For Appellant : Mr.Anirudh Krishnan

For Respondents : Mr.Rajmahesh for first respondent

Mr.K.C.Krishnamoorthy for R2

Mr.Veerapathiran for Intervenor



OSA No.113/2020 and
OSA Nos.255, 258/2019

WEB COPY

In OSA No.255/2019

For Appellant : Mr.K.C.Krishnamoorthy
For Respondents : Mr.Rajmahesh for first respondent
Mr.Veerapathiran for Intervenor

In OSA No.258/2019

For Appellant : Mr.Anirudh Krishnan
For Respondents : Mr.Rajmahesh for first respondent
Mr.K.C.Krishnamoorthy for R2
Mr.Veerapathiran for Intervenor

COMMON JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

All the original side appeals have been preferred, as against the order passed by this Court in A.No.877/2019 in C.S.No.411/2017, dated 27.08.2019.

2. OSA No.258/2019 and OSA No.113/2020

Today, when the matters are taken up for final hearing, an affidavit has been filed by one Mrs.Kartheeka Thandra, one of the Directors of M/s Jaya Balajee Real Media Private Limited (2nd respondent in OSA



OSA No.113/2020 and
OSA Nos.255, 258/2019

No.258/2019 and OSA No.113/ 2020) stating that, this common affidavit has been filed for both O.S.A Nos.258/2019 & 113/2020 and a sum of Rs.3,00,00,000/- alone is due for both OAs. In the affidavit, at paragraph Nos. 5, it is stated as follows.

5. It is undertaken that out of the amount due of Rs.3,00,00,000/- (Rupees Three Crores Only) as mentioned above a sum of Rs.1,00,00,000/- (Rupees one Crore only) will be paid on or before 31.03.2024 and on receipt of this amount, the appellant herein has to release the collateral security as offered by the second respondent herein and the balance sum of Rs.2,00,00,000/- (Rupees two crores only) will be paid by the second respondent herein on or before 31.12.2024. Without prejudice to the appellant's remedies available under law, it is further submitted that the second respondent herein undertakes and agrees to pay interest at the rate of 18% per annum for Rs.1,00,00,000/- (Rupees one crore only) from 01.04.2024 if the 2nd respondent commits default in paying Rs.1,00,00,000/- (Rupees one crore only) before 31.03.2024 and further agrees to pay interest at the rate of 18% per annum for Rs.2,00,00,000/- (Rupees two crores only) from 01.01.2015 if the second respondent failed to pay Rs.2,00,00,000/- (Rupees two crores only) before 31.12.2024. Further, this settlement undertaking affidavit is only for Rs.3,00,00,000/- in both O.S.As.



OSA No.113/2020 and
OSA Nos.255, 258/2019

2.1. The learned counsel for the appellant in O.A.No.258/2019 and OSA No.113/2020 has also agreed for the above said undertaking given by the second respondent.

2.3. At this juncture, Mr.Veerapathiran, learned counsel for the intervenor submitted that, similar matters have been filed in C.S.No.344/2015 and C.S.No.22/2020 and the same are pending before learned Single Judge and hence he seeks for settlement by the second respondent herein, in so far as his claim is concerned.

2.4. In reply to the above, the learned counsel for the second respondent fairly agreed that, there is a possibility for settlement and he will take effective steps for settlement among the parties in the above said civil suits.

2.5. Accordingly, OSA No.113/2020 and OSA No.258/2019 are disposed of, in terms of the affidavit filed by the second respondent, as stated supra. No costs. It is needless to say that, if any default



*OSA No.113/2020 and
OSA Nos.255, 258/2019*

committed by the second respondent in paying the amount as agreed in the affidavit, as state dsupra, it is open to the appellant to proceed in accordance with law.

3. OSA No.255/2019

The application in A.No.877/2019 in C.S.No.411/2017 has been filed to permit the appellant/defendant to release the Telugu film titled AARADUGULA BULLET under the supervision of an advocate commissioner to be appointed to monitor and collect the daily collections of Cudappa areas and same shall be deposited into the court. In the above application, the learned single Judge, has passed the order dated 27.08.2019 by appointing advocate receivers to release the said film with some directions as stipulated therein. As against the above order, this appeal has been filed.

3.1. At this juncture, the learned counsel for the appellant fairly submitted that, pursuant to the order passed by the learned Single Judge, the Advocate Receivers had executed the warrant; film was released; and they



OSA No.113/2020 and
OSA Nos.255, 258/2019

have also filed their Report before the court and hence, nothing survives for further adjudication in the appeal as far as the appointment of advocate commissioner is concerned. However, he seeks liberty to agitate other grounds raised in the appeal before the single judge in the civil suit.

3.2. Therefore, OSA No.255/2019 is dismissed as infructuous with liberty to the appellant to agitate the other the grounds raised in the instant appeal before the learned single Judge in the civil suit.

4. The learned counsel appearing on either parties seek for direction to the learned Single Judge for early disposal of the civil suit.

5. The learned single Judge shall consider the request of the parties and dispose the civil suit as early as possible.

(D.K.K.J.) (P.D.B.J.)

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OSA No.113/2020 and
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