



O.S.A.(CAD) No.17 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

O.S.A.(CAD) No.17 of 2023

Ramjee Narasiman

.... Appellant

-Vs-

Rockfort Entertainment LLP
Rep.by its Partner

.... Respondents

Prayer: Appeal under Section 13(1) of the Commercial Courts Act, 2015 to set aside the order and decretal order dated 27.01.2023 in O.A.No.536 of 2022 in C.S.(Comm.Div) No.176 of 2022 passed by the Hon'ble Court and allow this OSA.

For the Appellant : Mr.P.Kumaresan, Senior Counsel
for M/s.K.Sumathi

For the Respondent : Ms.R.Roshni
for Mr.Vijayan Subramanian



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J U D G M E N T

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(Judgment delivered by D.BHARATHA CHAKRAVARTHY, J.)

This original side appeal is directed against the order of the learned Single Judge dated 27.01.2023 in O.A.No.536 of 2022 in C.S.No.176 of 2022. The Original Application is filed by the applicant / plaintiff to pass an order of interim injunction restraining the respondents, their men, agents etc., from directly or indirectly releasing the upcoming movie 'Pisaasu-2' movie on 31.08.2022 pending disposal of the suit. The learned Single Judge, after considering the suit claim and the case of the parties, directed that a total sum of Rs.50 lakhs to be deposited before the Court. Of the said sum, already a sum of Rs.25 lakhs has been deposited.

2. However, it is submitted by the learned Senior Counsel appearing on behalf of the appellant that the second installment of Rs.25 lakhs is yet to be paid even though the period of four weeks granted by the learned Single Judge has expired and they are taking steps to release the movie.



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3. We find from the order that, even though the learned Single Judge, in Para 5 has given a direction to deposit the cheque for Rs.25 lakhs, the further consequential direction as to what will happen if the defendant does not deposit the amount has not been mentioned in the order. Therefore, we are bound to interfere with the order to the extent to clarify the said position. Accordingly, we modify the order of the learned Single Judge by adding that, failing to deposit the cheque for a sum of Rs.25 lakhs within the period mentioned above, there shall be an order of interim injunction restraining the respondent from releasing the upcoming Tamil movie 'Pisasu-2' as prayed for in the original application. The Original Side Appeal stands allowed to the above extent.

(T.R., ACJ.) (D.B.C., J.)
24.04.2023

Index : Yes/No
Neutral Citation : Yes/No
kst



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(kst)

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