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A.No.1523 of 2023
in
C.S(Comm Div)No.182 of 2022

S.SOUNTHAR, J.

A.No.1523 of 2023 is filed by the first and second defendants seeking permission of this Court to release the Tamil feature film “Samuthirakani in Public”

2. The first respondent/plaintiff has filed the present suit seeking direction to the applicant, the second respondent and one other to pay a sum of Rs.1,43,35,635/-(Rupees One Crore Forty Three Lakhs Thirty Five Thousand Six Hundred and Thirty Five Only) together with interest at the rate of 18% per annum and also for injunction restraining the respondent, the defendants their men from releasing the Tami feature film titled “Samuthirakani in Public”.

3. The applicants and respondents entered into a compromise dated 07.02.2023 whereunder the applicant / D1 and D2 agreed to pay a sum of Rs.1.00 Crore towards full and final settlement of all claims to first respondent. The said memorandum of compromise dated 07.02.2023 was



recorded by this Court by order dated 22.02.2023 and the suit was kept in abeyance.

4. In the affidavit filed in support of this application, the applicants/, D1 and D2 have stated that they have paid a sum of Rs.20,00,000/-(Rupees Twenty Lakhs Only) to the first respondent/plaintiff and as per clause 12 of the agreement.

5. The clause 4 of the compromise memo dated 07.02.2023 reads as follows:

“4. In the event of the second and/or Third Party wish to release the film before the schedules mentioned in clause 1(1 to 5), the same can be done only upon completion of a total payment of Rs.65,00,000/- (including the amount paid towards the Tranches mentioned in Clause 1 above) and providing a guarantee for the balance amount Rs.35,00,000/- by means of assigning either Theatrical, OTT or Satellite rights of the future film “Kannadi” to the First Party.”



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6. The clause 12 of the compromise memo dated 07.02.2023 reads as follows:

“12. In view of this Memorandum of Compromise, it is open to the Party of the Second and Third Part to file an Application in the suit seeking leave of the Hon'ble Madras High Court to release the Films, only as per the terms of Clauses 1 to 4 of this Memorandum of Compromise, in compliance with the order dated 23.09.2022 passed in O.A.No.550 of 2022 in C.S.(Comm. Div.) No.182 of 2022 and the First Party shall record no objection to the same, in terms of this Memorandum of Compromise.”

7. A close reading of clause 4 and 12 of the compromise memo dated 07.02.2023 entered into between the parties would make it clear that the applicants are entitled to file an application seeking leave of the Court to release the film under clause 12 of the compromise memo, only if the conditions stipulated in clause 4 of the compromise memo are fulfilled. As on today, the applicants paid a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to the first respondent.

8. The learned counsel for the applicant on instruction submitted that their client would pay another sum of Rs.20,00,000/-(Rupees



Twenty Lakhs Only) to the first respondent today.

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9. In view of the clause 4 of the compromise memo dated 07.02.2023, it is made clear that applicants are entitled to release the Tamil feature film “Samuthirakani in Public” only on payment of a sum of Rs.65,00,000/-(Rupees Sixty Five Lakhs Only) to the first respondent and also on providing a guarantee for the balance amount of Rs.35,00,000/- (Rupees Thirty Five Lakhs). On fulfillment of the twin conditions, as mentioned under clause 4 of the compromise memo, applicants are permitted to release the said film.

15.03.2023

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