



O.A.No.313 of 2023

Arbitration Application No.201 of 2023
in
Original Application No.313 of 2023

KRISHNAN RAMASAMY, J.

This Court, on 11.04.2023, has passed the following order:-

"This Original Application has been filed seeking to grant an order of interim injunction restraining the respondents from releasing the movie, "RUDRAN" starring Raghava Lawrence, Priya Bhavani Shanker being directed by S.Kathiresan and Music by G.V.Prakash in theatres and through Satellite and Digital mode in all the languages pending disposal of the Arbitration proceeding being initiated by the applicant vide Arbitration Notice dated 09.04.2023 to the respondents.

2. Mr.C.P.Sivamohan, learned counsel for the applicant submitted that the respondents are intended to release the Tamil movie, "RUDRAN" on 14.04.2023. The second respondent has assigned the dubbing rights of the said movie in respect of world satellite digital and electronic rights in Hindi and all Northern Indian languages (except the South Indian languages viz., Tamil, Telugu, Malayalam and Kannada) to the applicant. The Deed of Assignment was executed between the applicant and the first respondent on 15.04.2021. As per the terms and conditions of the said Deed of Assignment, the applicant is suppose to pay a sum of Rs.12,25,00,000/-.

2.1. Further, the learned counsel submitted that particularly, as per Clause 18 of the Deed of Assignment, the consideration amount has



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to be paid immediately upon receipt of a valid tax invoice from the Assignor (first respondent). Out of the total consideration amount of Rs.12,25,00,000/-, the applicant has already paid a sum of Rs.10,00,00,000/-, however, the first respondent has raised tax invoice for Rs.2,50,00,000/- on 31.07.2021 and another tax invoice for Rs.2,00,00,000/- on 28.08.2021 alone and for the balance amount, the respondents did not raise any invoices. While so, the respondents have terminated the aforesaid Deed of Assignment on 03.12.2021. So, immediately after the receipt of termination notice, the applicant has decided to initiate arbitration proceedings against the respondents by nominating an arbitrator and the applicant has sent a Notice dated 09.04.2023 to the respondents, seeking their consent for appointment of sole Arbitrator, to adjudicate the dispute between the parties and now, the arbitration proceedings is also going on.

2.2. The learned counsel also submitted that the dubbing rights of the aforesaid movie in respect of world satellite digital and electronic rights in Hindi and all Northern Indian languages (except the South Indian languages viz., Tamil, Telugu, Malayalam and Kannada). Since the respondents have terminated the Deed of Assignment, the applicant has referred the dispute before the Arbitrator. The applicant was shocked because the respondents have dragged on the issue only with an intention to release the movie, "RUDRAN" on 14.04.2023. If the said movie is released, particularly, in Tamil on 14.04.2023, the rights of the applicant would be defeated and the applicant would not be able to recover the amount of Rs.10 Crores (amount paid by the applicant) from the respondents. Unless and otherwise, this Court restrains the respondents from releasing the aforesaid movie, the rights of the



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applicant would be affected. Therefore, the learned counsel prayed this Court to protect the rights of the applicant and secure the amount of Rs.10 Crores which was paid by the applicant to the respondents, by granting an order of interim injunction as prayed by the applicant.

3. Considering the above submissions made by the learned counsel for the applicant, this Court is of the opinion that the applicant has made out a prima facie case, for obtaining an order of interim injunction and the balance of convenience is in favour of the applicant. Hence, this Court is inclined to grant an order of interim injunction. Accordingly, there shall be an order of interim injunction till 24.04.2023. The applicant is directed to comply with the procedures contemplated under Order XXXIX Rule 3 of the Code of Civil Procedure.

4. Issue notice to the respondents through Court as well as privately, returnable by 24.04.2023.

5. List the matter on 24.04.2023."

2. The respondents in the Original Application have filed this Application to vacate the interim injunction granted by this Court in O.A.No.313 of 2023 on 11.04.2023.

3. The learned counsel appearing for the applicants in this vacate stay application would submit that this Court, after hearing the applicant in O.A.No.313 of 2023, granted interim injunction on 11.04.2023.



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4. Mr.C.P.Sivamohan, learned counsel for the respondent would submit that in paragraph No.36 of the affidavit filed in this application, it has been stated as follows:-

"36.The respondent has filed the present application on 11.04.2023 to stop the release of the film on 14.04.2023. Even after the single Judge direction to file Section 11 application. Since the movie is releasing tomorrow, the applicant agrees to not to alienate the Hindi Dubbing Rights of the film Rudhran till the next hearing of the present Application."

By referring to the said paragraph, he would submit that the second part of the said paragraph is not worded properly, and his right may be protected.

5. Further the learned counsel for the applicants herein would submit that whatever the assignments are made in terms of the Assignment Deed dated 15.04.2021, the same would be granted to the respondent, which includes North Indian Language.

6. Considering the submissions made by Mr.P.S.Raman, learned Senior Counsel for M/s.Vijayan Subramanian, appearing for the applicants and Mr.C.P.Sivamohan, learned counsel for the respondent, this Court is of the considered view that since the film viz., **"RUDRAN"** is going to be released on 14.04.2023, the interest of the parties will have be protected.



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7. The learned counsel for the applicants would submit that as submitted by the learned counsel for the respondent, while permitting the applicants to release the film “**RUDRAN**” on 14.04.2023, this Court directs the applicants in the vacate stay application to protect the interest of the respondent to the extent provided in the Assignment Deed dated 15.04.2021, which includes dubbing rights of the North Indian Languages and also Satellite rights of the said languages. Accordingly, the interim order granted by this Court on 11.04.2023 is hereby vacated subject to the condition that the rights of the respondent have to be protected by the applicants as mentioned above.

8. Accordingly, Arbitration Application No.201 of 2023 and Original Application No.313 of 2023 are disposed of. The parties are directed to commence the arbitration proceedings within a period of 90 days from the date of receipt of a copy of this order. This Court also grants liberty to the parties to approach the learned Arbitrator, if so advised, to get any interim order for modification of the present order or for otherwise to protect their rights. There shall be no order as to costs.

13.04.2023

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Note: Issue order copy today (13.04.2023) itself



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KRISHNAN RAMASAMY, J.

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