



O.A.No.369 of 2023

Original Application No.369 of 2023

ABDUL QUDDHOSE, J.

C.S. Kishan

... Applicant

Versus

Naresh Jain

... Respondent

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for an injunction restraining the respondent from further shooting of the movie titled 'Mahal' or any other movie under his banner 'Riyanshi Cinemas', until the payment of Rs.75,00,000/- together with interest to the applicant as per the finance agreement dated 29.07.2022 entered into between the applicant and the respondent. Under the finance agreement dated 29.07.2022, the applicant had lent a sum of Rs.75,00,000/- to the respondent for production of the movie titled 'Mahal'.

2. The applicant claims that the respondent has not repaid the loan together with interest as agreed upon by him under the finance agreement dated 29.07.2022. There is an arbitration clause available in the finance agreement dated 29.07.2022, which is extracted hereunder:-



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“16. In the event of a dispute arising from and out of this agreement the same shall be referred to arbitration under a sole arbitrator to be mutually appointed under the Arbitration and Conciliation Act, 1996. The venue of arbitration shall be at Chennai, India. This agreement shall be governed by the laws of India and the courts at Chennai shall have the exclusive jurisdiction in connection with any dispute arising out of or in connection with this agreement.”

3. To secure the amount due to the applicant, this application has been filed seeking for an injunction to restrain the respondent from releasing the movie 'Mahal', which is produced by the respondent, for which, the respondent had availed the finance from the applicant.

4. The applicant has filed documents along with the typed set of papers in support of this application to prove that a sum of Rs.75,00,000/- was lent to the respondent and the proof in the form of bank statement of the applicant for the period from August, 2022 to October, 2022 would reveal that a sum of Rs.75,00,000/- was lent by the applicant to the respondent.



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4. The applicant had also sent a notice dated 22.03.2023 calling upon the respondent to pay the outstanding dues to him. As seen from the typed set of papers filed by the applicant, the respondent has not chosen to reply to the notice of demand sent by the applicant. The applicant had also invoked the arbitration in accordance with the arbitration clause by sending a notice dated 21.04.2023 to the respondent requesting him to give his consent for the name of an arbitrator suggested by him. But, the respondent has not responded even to the said arbitration invocation notice.

5. Learned counsel for the applicant would submit that in due course, an application under Section 11 of the Arbitration and Conciliation Act, 1996, will be filed by the applicant seeking for appointment of an arbitrator by this Court.

6. This Court, by its order dated 25.04.2023, granted an order of injunction restraining the respondent from releasing the movie 'Mahal' and has also observed that in case the respondent settles the dues of the applicant, the respondent is at liberty to release the said movie. It is now brought to the notice of this Court that despite the injunction order, the



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respondent has not settled the dues of the applicant arising out of the finance agreement dated 29.07.2022.

7. Notice to the respondent has been duly served and his name is also printed in the cause list today.

8. Since a prima-facie case has been made out by the applicant and balance of convenience is in his favour and irreparable loss would also be caused to him, this Court hereby allows this application by granting an order of injunction restraining the respondent from releasing the movie 'Mahal' without settling the dues of the applicant arising out of the finance agreement dated 29.07.2022. No Costs.

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01.08.2023



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