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C.S.(Comm Div).No.161 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.(Comm Div).No.161 of 2023

and

A.No.3221 of 2023

Sun TV Network Limited,
rep by its Authorised Signatory,
Mr.M.Jyothi Basu
Having registered Office at
Murasoli Maran Towers,
No.73, MRC Nagar Main Road,
MRC Nagar, Chennai – 600 028.

...Plaintiff

Vs.

Mr.Sakkir
Sole Proprietor
Carrying on business as 'Golden Village'
4/1992/A, Madathil, Pavangad,
Kozhikkode – 673 021.

...Defendant

PRAYER: Plaintiff is filed under Order IV Rule 1 of O.S. Rules R/w
Order VII Rule 1 of C.P.C, Sec 2(c)(xvii) and Section 7 of the Commercial
Courts, Act No.4 of 2016, Sections 28, 29, 134 and 135 of the Trademarks
Act, 1999 and Sections 51, 55 and 62 of the Copyright Act, 1957, praying to
pass the judgment and decree:



(a) perpetual injunction restraining the defendant, its distributors, stockists, servants, agents, retailers, representatives or any other person claiming under/through him from in any manner infringing the Plaintiff's copyright in the cinematograph film titled "JAILER" starring Rajinikanth, Mohanlal and Tamannah in the lead role by producing and /or releasing the movie titled "Jailer" starring Dhyan Shreenivas or anyone else;

b) perpetual injunction restraining the defendant, its distributors, stockists, servants, agents, retailers, representatives or any other person claiming under/through him from in any manner producing and/or releasing the movie under the unregistered trademark/name of "Jailer" and using the said mark/name of 'Jailer" or any other mark/name which is identical with or deceptively similar to the plaintiff's unregistered trademark/name "Jailer" so as to pass off the defendant's cinematograph film or business as that of the plaintiff and/or wrongfully associate themselves with the plaintiff's business or in any other manner whatsoever;

c) permanent injunction restraining the defendant, its men, agents, or any other person claiming under or through him from in any manner



seeking to interfere with the plaintiff's rights and release of its film under the title 'Jailer', starring Rajinikanth, Mohanlal and Tamannah in the lead role;

d)costs of the suit;

e) pass such further or other orders as this Hon'ble Court may deem fit in the facts and circumstances of this case and thus render justice.

For Plaintiff : M/s.Rahul Balaji

For sole Defendant : Mr.Adithya Reddy

JUDGMENT

The parties of the suit have compromised the disputes which has been reduced into writing in a Memorandum of Understanding dated 19.09.2023 which is filed before this Court and the terms of the Understanding has been set out. The Memorandum of Understanding is signed by the plaintiff and the defendant and confirmed by their respective counsels. The said Memorandum of Understanding dated 19.09.2023 is taken on file.



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2. Accordingly this Civil Suit is decreed in terms of the Memorandum of Compromise dated 19.09.2023. No costs. The terms of Memorandum of Compromise dated 19.09.2023 signed by the plaintiff and the defendant shall form part and parcel of this judgment and decree. Consequently, connected application is closed.

22.09.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
ssa/apd



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P.T. ASHA, J,

ssa/apd

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22.09.2023