



OSA(CAD) No.94 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

OSA(CAD) No.94 of 2023
and
C.M.P.No.17268 of 2023

MX Media & Entertainment Pte. Ltd.
Wrongly arrayed as "MX Players"
Having its office at 71 Robinson Road
No.14-01, Singapore (068895)
Republic of Singapore.

.. Appellant

Vs.

1.K.Punniyamoorthy

2.Ondraga Entertainment
Represented by Mr.Gautham Vasudev Menon
Having its office at:61/3, Gandhi Street
Kanagam, Taramani
Chennai-600113.

3.S.Venkataramanan
4.A.Reshma Ghatala

.. Respondents



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Prayer: Appeal filed under Order 13(1) of the O.S.Rules read with Clause 15 of the amended Letters Patent 1865 and read with Section 13 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018 against the order dated 28.04.2023 made in O.A. No.284 of 2023.

For the Appellant : Mr.Balasubramanian
Senior Counsel
For Mr.A.K.Raghevulu

For the Respondents : Mr.M.S.Krishnan
Senior Counsel
For Mr.K.Moorthy (R1)

Mr.A.Abdul Hameed
Senior Counsel
For Mrs.Revathi Manivannan
(RR2 to 4)

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Balasubramanian, learned Senior Counsel for Mr.A.K.Raghevulu, learned counsel for the appellant; Mr.M.S.Krishnan, learned senior counsel for Mr.K.Moorthy, learned counsel for the first respondent; and Mr.A.Abdul Hameed, learned Senior Counsel for Mrs.Revathi Manivannan, learned counsel for the second to fourth respondents.

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2. The petition under section 9 has been decided finally by the learned Single Judge.

3. The primordial contention of the appellant is that the learned Single Judge has not discussed on the merits of the contention and the whole discussion was about the maintainability of an application under Section 9 of the Arbitration and Conciliation Act, 1996. After coming to the conclusion that the application under Section 9 of the Act is maintainable, the learned Single Judge straightaway made the interim stay absolute.

4. According to the appellant, the web-series is not yet completed. The learned Senior Advocate for the appellant submits that the appellant undertakes that the appellant would not release the web-series until further orders of the Court, if the matter is remitted to the learned Single Judge.

5. We have heard learned Senior Advocate for respondent no.1 /original applicant.

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6. It appears that while passing the impugned order, the learned Single Judge only debated upon the maintainability of the petition under Section 9 and after arriving at the conclusion that the petition under Section 9 is maintainable, straightaway made the interim stay absolute. No reasons appear to have been recorded while making interim stay absolute.

7. The reasons are now considered to be the third pillar of the principles of natural justice. The interim order is bereft of reasons as to why the interim stay is made absolute.

8. As the impugned order is sans reasons, the order to the extent of making the interim stay absolute is set aside. However, we record the undertaking of the learned Senior Advocate for the appellant that the appellant would not release the web-series "Queen-2" until further orders from the learned Single Judge.



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9. The parties shall appear before the learned Single Judge on 08.09.2023. The learned Single Judge shall thereafter take up the matter as per his convenience.

10. The appeal is accordingly disposed of. There shall be no order as to costs. Consequently, C.M.P.No.17268 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

21.08.2023

Index : Yes/No

Neutral Citation : Yes/No

Maya

To:

The Sub Assistant Registrar
Commercial Cases
High Court, Madras.



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