



WEB COPY



OSA Nos.256, 257/2019 and 114/2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

OSA Nos.256, 257/2019 and 114/2020

and CMP Nos.21534, 21535, 21536, 21538, 21540 of 2019

and CMP Nos.5119/2020 & 10422/2021

In OSA No.256 of 2019

M/s PVP Capital Ltd.,
rep. by its authorised Signatory
Mr.Sam Dhinakaran Durairaj,
having its registered office at door No.2,
9th floor, KRM Centre, Harrington Road,
Chetpet, Chennai 600 031.

... Appellants

Vs.

1. M/s M.K.Enterprises,
rep. by A.Kumar, Partner,
No.7, first floor, 7th Street, Shenoy Nagar,
Chennai 600 030.
2. M/s Balaji Real Media Private Limited
(Now M/s Jaya Balajee Real Media Private Limited),
rep. by its Director Mr.Thandra Ramesh,
having its registered office at Flor No.D & E,
first floor, Ranjana Park, Banumathi Ramakrishna Road,
Saligramam, Chennai 600 093.

... Respondents



OSA Nos.256, 257/2019 and 114/2020

In OSA No.257 of 2019

M/s Balaji Real Media Private Limited
(Now M/s Jaya Balajee Real Media Private Limited),
rep. by its Director Mr.Thandra Ramesh,
having registered office at Flor No.D & E,
Ranjana Park Apartment (1st floor)
No.22, Banumathi Ramakrishna Road,
Saligramam, Chennai 600 093.

... Appellant

Vs.

M/s M.K.Enterprises,
rep. by A.Kumar, Partner,
No.7, first floor, 7th Street, Shenoy Nagar,
Chennai 600 030.

... Respondent

In OSA No.114 of 2020

M/s Picturehouse Media Ltd.,
rep. by its authorised Signatory
Mr.G.Sam Dhinakaran Durairaj,
having its registered office at door No.2,
9th floor, KRM Centre, Harrington Road,
Chetpet, Chennai 600 031.

... Appellant

Vs.

1. M/s M.K.Enterprises,
rep. by A.Kumar, Partner,
having its registered office at
No.7, first floor, 7th Street, Shenoy Nagar,
Chennai 600 030.

2. M/s Balaji Real Media Private Limited
(Now M/s Jaya Balajee Real Media Private Limited),
rep. by its Director Mr.Thandra Ramesh,
having its registered office at Flor No.D & E,
first floor, Ranjana Park, Banumathi Ramakrishna Road,
Saligramam, Chennai 600 093.

... Respondents



OSA Nos.256, 257/2019 and 114/2020

Prayer in all OSA: Original side appeal filed under Order XXVI Rule XI of the Original Side Rules r/w Clause 15 of Letters Patent to set aside the order passed in A.No.878/2019 in C.S.No.438/2017, on the file of this Court dated, 27.08.2019.

In OSA No.256/2019

For Appellants : Mr.R.Abhishek
for Mr.Anirudh Krishnan
For Respondents : Mr. Chidambaram for first respondent

In OSA No.257/2019

For Appellant : Mr.K.C.Krishnamoorthy

In OSA No.114/2019

For Appellants : Mr.R.Abhishek
for Mr.Anirudh Krishnan

COMMON ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

These original side appeals are de-linked from OSA Nos.255, 258/2019 and 113/2020.

2. All the original side appeals have been filed as against the very same order passed by the learned single Judge in A.No.878/2019 in C.S.No.438/2017. Therefore, this Court passes the common order.



OSA Nos.256, 257/2019 and 114/2020

3. The above C.S.No.438/2017 has been filed by M/s M.K.Enterprise, seeking direction to M/s Balaji Real Media Pvt.Ltd. to pay a sum of Rs.1,50,00,000/- together with future interest at 24% and also permanent injunction restraining M/s Balaji Real Media pvt. Ltd., or anybody claiming through them from in any manner releasing, distributing, exhibiting the picture titled "AARADUGULA BULLET" anywhere in the charged areas of Tamil nadu State and Andhra Pradesh, including Telungana, without settling the dues to the plaintiff, as per agreement dated 02.05.2012.

4. Pending suit, M/s Balaji Real Media private Limited had filed O.A.No.878/2019, seeking permission to release the above said movie, under the supervision of an Advocate Commissioner to be appointed to monitor and collect the daily collections of particular five areas and the same shall be deposited into Court.

5. This Court, vide common order dated 27.08.2019 in A.No.877/2019 & A.No.878/2019, has ordered to release the above said film, by appointing two advocates as Advocate Receivers, subject to the conditions stated therein.



OSA Nos.256, 257/2019 and 114/2020

6. Now, challenging the order passed in A.No.878/2019, dated 27.08.2019, the present appeals have been filed.

7. Mr.A.Chidambaram, learned counsel appearing for the first respondent in OSA No.256/2019 submitted that the suit in C.S.No.438/2017 itself has been dismissed as withdrawn in the month of March 2022 and hence, nothing survives for further adjudication in the present appeals. The above statement has not been controverted by the learned counsel for other side.

8. Recording the above submission, the present original side appeals are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.) (P.D.B.J.)

16.10.2023

Internet: Yes/No
Index : Yes/No
mst



WEB COPY



OSA Nos.256, 257/2019 and 114/2020

D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

mst

OSA Nos.256, 257/2019 and 114/2020

16.10.2023