



C.S. (COMM.DIV.) No.331 of 2017 and O.A. No.454 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2023

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S. No.331 of 2017 and O.A. No.454 of 2017

R.Tamil Selvan

.. Plaintiff

/versus/

1.M/s.Magic Chair,
rep. by its Proprietor K.Sivaneswaran

2.M/s.Cinerama Studios,
rep. by its Proprietor K.Sivaneshwaran

3.M/s.Gemini Industries and Imaging Ltd.,
Chennai - 600 078.

.. Defendants

Prayer: Civil Suit has been filed under Order IV, Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure and under Sections 55 and 62 of the Copyright Act 1957 prays for a judgment and decree:

a)granting a permanent injunction restraining the defendants, their servant, agents, anyone claiming under or through them from any manner infringing the plaintiff's copyrights on the whole and especially theatrical distribution, exhibition and exploitation etc. of the Tamil Feature film "SIMBA" starring Bharath, Premji Amaran, Banu Sri Mehra etc. music by Vishal Chandrasekar and directed by Arvind Sridhar from releasing,



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exhibiting and exploiting in any manner the said film in any theatre in entire world especially in the territory of Tamil Nadu as known in the film trade;

b)directing the defendants to pay to the plaintiff the cost of the suit.

For Plaintiff: Mr.S.S.Rajesh

For Defendants : Mr.S.Karmikei Balan for D1 and D2

J U D G M E N T

The suit has been filed for bare injunction.

2.A representation was made before this Court by the learned counsel for the defendants, on instructions, on 06.11.2023 that the defendants, subsequent to the filing of the suit, have already released the movie, which is the subject matter of the dispute and that they have also fully exploited the same.

3.On 02.11.2023, the defendants were directed to file an affidavit to that effect on the next hearing date. As directed by this Court, the



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defendants have filed an affidavit dated 06.11.2023, which is taken on record.

4.In terms of the submission made by the learned counsel for the defendants, which was recorded by this Court on 02.11.2023, since the defendants have already released the movie, which is the subject matter of the suit and they have also stated in the form of an affidavit that they have fully exploited the same, nothing survives for further adjudication in this suit.

5.However, learned counsel for the plaintiff would submit that liberty may be granted to the plaintiff to sue the defendants for damages.

6.No prejudice would be caused if such a liberty is granted and liberty is also granted to the defendants to raise all objections available to them under law in the event of the suit for damages being laid by the plaintiff in the near future.



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ABDUL QUDDHOSE, J.

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7.By recording the affidavit dated 06.11.2023 filed by the defendants, the suit is closed. However, liberty is granted to the plaintiff to file a suit for damages against the defendants if so advised and liberty is also granted to the defendants to raise all objections available to them under law in the event of the suit for damages being laid by the plaintiff. Consequently, connected application is also closed.

09.11.2023

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