



C.S.No.1496 of 1995

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.S.No.1496 of 1995

S.Syed Mohamed
Represented by Power of Attorney Agent,
K.Senthilkukmar

... Plaintiff

Vs.

1. M.Venkatachalam
Sole Proprietors
M/s. Sakthi Cine Productions,
21, Chakrapani Street Extension,
West Mambalam, Madras - 600 033.

2. M/s.Vijaya Colour Laboratory
Arcot Road
Vadapalani,
Madras - 600 026

... Defendants

Prayer: The plaint is filed under Order VII Rule I of Civil
Procedure Code read with Sections 55 and 62 of Indian Copy Right Act,



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read with Order IV Rule 1 of O.S. Rules, praying to pass judgment and decree on the following terms:

(i) for declaration that the plaintiff had become entitled to deal with the Copy Right in respect of the Negatives Rights of the picture titled "SEEMATHURAI" (Tamil, Colour, Scope) featuring Jayaram, Radhika, Napoleon, etc. story by Kalaimani, Music by Ilayaraja, and directed by Manobala, as per Clause 10 of the Finance Agreement dated 15.06.1994.

(ii) to award the costs of the suit.

For Plaintiff : Mr.C.Ravichandra

2nd Defendant : Set ex-parte on 26.06.2007

1st Defendant : Deceased



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JUDGMENT

This suit is pending from the year 1995. When the matter came up before this Court on 10.06.2024, there was no representation for the plaintiff. From the records this Court found that the 1st defendant was already reported as died and the 2nd defendant was set ex-parte by this Court on 26.06.2007 itself. Hence, this Court had directed to issue notice to the learned counsel for the plaintiff as well as to the plaintiff and the matter was ordered to be listed on 26.06.2024.

2. When the matter came up before this Court on 26.06.2024, the learned representing counsel for the plaintiff reported no instructions. Since, it is a long pending case, this Court had directed the Registry to serve notice to the plaintiff either through Legal Services Committee/Authority or through local police and the matter was ordered to be listed on 15.07.2024.

3. Today (15.07.2024), the District Legal Services Authority,



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Chennai, has sent a report stating that despite the efforts taken by them, notice could not be served on the plaintiff as the plaintiff is not residing in the given address.

4. The learned counsel for the appellant submitted that despite the efforts taken by them, he could not get any instructions neither from the Principal nor from the Power Agent.

5. Already the 1st defendant was reported as died and the 2nd defendant was set ex-parte by this Court on 26.06.2007 itself and that the matter is pending from the year 1995. However, the plaintiff has not shown any interest to take steps for the 1st defendant and to prosecute the suit.

6. In view of the above facts and circumstances, this suit is dismissed for non prosecution. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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