



C.S.(Comm Div) No.6 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.(Comm Div) No.6 of 2024

and

O.A.No.16 of 2024

R Sakthivel,
Proprietor,
M/s.Challenge,
Plot No 7, Balaji Nagar, 2nd Main Road Extension,
Ekkattuthangal, Chennai – 600 032.

... Plaintiff

Vs.

1. M/s. KJR Studios
Rep. by its Proprietor,
Mr.Kotapadi J Rajesh
Flat No.5, Rapid Skyline Apartments,
14, Sri Krishnapuram Street,
Royapettah, Chennai 14.
2. 24 AM Studios Pvt Ltd (OPC)
Rep. by its Managing Director,
Mr.R.D.Raja,
No .9, Spring Field Jagannathan Road,
Nungambakkam, Chennai 600 034.



C.S.(Comm Div) No.6 of 2024

3. QUBE Cinema Technologies Pvt Ltd

No.42 Ranga Road,
Mylapore, Chennai 600 004.

4. UFO Moviez India Ltd

No 178/3 and 4, J B Tower,
Kumaran Colony Main Road,
Vadapalani,
Chennai 600 026.

... Defendants

PRAYER:

The Complaint filed under Section 7 of Commercial Courts Act 2015 and Order IV Rule 1 of O.S.Rules read with Order VII Rule 1 of C.P.C., and numbered as C.S.(Comm Div) No.6 of 2024, praying for judgment and decree against the defendants , as follows:

(a)Directing the 1st defendant to pay a sum of Rs.1,00,00,000/- together with interest at the rate of 24 per cent per annum amounting to Rs.40,548/- and in all totalling to a sum of Rs.1,00,40,548/- together with future interest at the rate of 24 per cent per annum from the date of complaint till the date of realisation to the Plaintiff.



C.S.(Comm Div) No.6 of 2024

(b) For a Permanent injunction restraining the defendants, their men, agents, servants, or any other Third Parties claiming through the 1st defendant from in any manner whatsoever releasing the Tamil Film titled as “Ayalaan” or releasing the said film in any print, theatre, platform, digital medium, OTT platform or in any other form without first settling the amount due and payable to the Plaintiff as per the Letter of Arrangement dated 05.10.2023 and

(c) Directing the first defendant to pay the Costs of the suit.

For Plaintiff : Mr.T.Thiageswaran
for M/s.Waraon & Sai Rams

D1 : Set exparte on 12.04.2024

D2 : Dismissed vide order dated 04.06.2024

D3 & D4 : Set exparte on 04.06.2024.

J U D G M E N T

The suit is filed to direct the first defendant to pay a sum of Rs.1,00,00,000/- together with interest at the rate of 24 % per annum amounting to Rs.40,548/- and in all totalling a sum of Rs.1,00,40,548/- together with future interest at the rate of 24 % per annum from the date of plaint till the date of realization to the plaintiff and seeking permanent injunction restraining the defendants, their men, agents, servants, or any



C.S.(Comm Div) No.6 of 2024

WEB COPY

other third Parties claiming through the first defendant from in any manner whatsoever releasing the Tamil Film titled as “Ayalaan” or releasing the said film in any print, theater, platform, digital medium, OTT platform or in any other form without first settling the amount due and payable to the Plaintiff as per the Letter of Arrangement dated 05.10.2023 and the costs of the suit.

2. It is the case of the plaintiff that the plaintiff is carrying on the business of advertising and marketing communications. The first and second defendants are the film producers. The plaintiff has facilitated the service of advertisement on the purchase orders issued by the second defendant. Letter of undertaking entered into between the plaintiff and the defendants 1 and 2. There was an amount of Rs.1,50,00,000/- due payable by the defendants 1 & 2 to the plaintiff. The defendant 1 and 2 accepted and acknowledged the outstanding amount of Rs.1,50,00,000/- due payable to the plaintiff and they agreed to pay the said sum in three installments in three films to be produced by the first defendant. The first defendant settled the sum of Rs.50,00,000/- at the time of release of the



C.S.(Comm Div) No.6 of 2024

WEB COPY

first film and failed to settle the balance amount of Rs.1,00,00,000/- after release of the subsequent films. Hence the suit.

3. The first defendant had already been set ex-parte by this Court on 12.04.2024. The defendants 3 and 4 had also been set exparte vide order of this Court dated 04.06.2024. The suit is dismissed as not pressed as against the second defendant vide order of this Court dated 04.06.2024. Ex-parte evidence has been recorded on behalf of the plaintiff-Company. In order to prove the case of the plaintiff, the authorised signatory of the plaintiff was examined as PW1. He has also filed the proof affidavit reiterating the contents of the plaint filed in support of their claim. Through PW1, 5 documents have been marked as Exs.P1 to P5. Ex.P1 is the office copy of the invoices raised on the second defendant by the plaintiff. Ex.P2 is the original Letter of confirmation dated 18.11.2019. Ex.P3 is the original letter of undertaking dated 05.03.2021. Ex.P4 is the original letter of undertaking dated 05.10.2023. Ex.P5 is the Online copy of advertisement.



C.S.(Comm Div) No.6 of 2024

WEB COPY

4. Upon hearing the learned counsel for the plaintiff and on a perusal of the averments made in the plaint and proof affidavit filed by P.W.1 and also the documentary evidence marked on the side of the plaintiff, this Court finds that the plaintiff has proved his claim. Therefore, the plaintiff is entitled for the relief as sought for in the plaint.

5. In view of the same, the Civil Suit is decreed with costs. Consequently, connected application is closed.

28.06.2024
(¹/₂)

mfa

Plaintiff's witness: P.W.1 – Mr.R.Sakkthivel

Defendants' witness: Nil



C.S.(Comm Div) No.6 of 2024

Documents exhibited by the plaintiff:

WEB COPY

SNo	Exhibit	Date	Description of the document
1	Ex.P1	-	Office copy of the invoices raised on the second defendant by the plaintiff
2	Ex.P2	18.11.2019	Original Letter of confirmation dated 18.11.2019
3	Ex.P3	05.03.2021	Original letter of undertaking dated 05.03.2021
4	Ex.P4	05.10.2023	Original letter of undertaking dated 05.10.2023
5	Ex.P5	-	Online copy of advertisement (Affidavit under Section 65 B of the Indian Evidence Act filed and recorded)

Documents exhibited by the Defendants: Nil

28.06.2024
(2/2)

P.VELMURUGAN, J.



WEB COPY



C.S.(Comm Div) No.6 of 2024

mfa

**C.S.(Comm Div) No.6 of 2024
and
O.A.No.16 of 2024**

28.06.2024