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CRP No.3321 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM:

THE HONOURABLE Mr. JUSTICE V. LAKSHMI NARAYANAN

CRP No.3321 of 2011 and M.P.No.1 of 2011

M/s Rockline Entertainments (P) Ltd.,
with Branch Office at No.1, Bharathi Apartments,
Bharathipuram 3rd Cross,
T.Nagar, Chennai-17, rep by
its Managing Director T.V.Venkatesh

... Petitioner

Vs

- 1.M.Mohideen, Prop: Ashif
Exports, Old No.15, ew No.32,
II Cross Street, lake Area,
Nungambakkam, Chennai-600 034.
2. Tamil Film Producers Council,
Rep by its President,
606, Anna Salai, Chennai-600 006.
3. Joint Consulative Committee,
of Film Producers Council and
Film Employees Federation of South India,
606, Anna Salai, Chennai.
4. South Indian Film Exporters Association,
Rep by its Scretary, 42, New Avadi Rd.,
Kilpauk, Chennai-600010.



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5. Prasad Film Laboratories,
58, Arunachalam Road, Saligramam,
Chennai-93.

.... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 30.06.2011 made in I.A.No.95 of 2011 in O.S.No.9258 of 2010 on the file of Additional District and Sessions, Judge, Fast Track Court No.IV, Chennai.

For Petitioner : No appearance
For Respondents : Mr.V.Deena Dayalan
For R.1
RR.2 to 5- dismissed vide
Court order dated 22.02.2023.

ORDER

This Civil Revision Petition challenges the order passed by the Learned Additional District and Sessions Judge, Fast Tract Court No.IV, Chennai in I.A.No.95 of 2011 in O.S.No.9258 of 2010.

2. O.S.No.9258 of 2010 is a suit for recovery of a sum of Rs.19,40,000/- together with interest at the rate of 24% p.a on the aforesaid amount and for costs.



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3. The cause of action for the suit is that the plaintiff had paid a sum of Rs.15,40,000/- on 02.04.2003, 08.04.2003 and 31.03.2003 for the purpose of getting movie rights over a film called “DHUM”. Since the said amounts were not paid, the first respondent/civil revision petitioner had promised the plaintiff that he would pay the said amount before the release of its next picture “MAJAA”. This resulted in filing of a suit in C.S.No.913 of 2005 on the file of this Court. This Court, on 26.10.2005 had passed a conditional order that the first defendant deposits a sum of Rs.10,00,000/- to the credit of Prasad Film Laboratories/the fifth defendant in the suit. The suit itself came to be closed leaving it open to the parties to initiate appropriate proceedings to contest their claims separately. In other words, the suit for injunction in C.S.No.913 of 2005 was dismissed as infructuous. Since the plaintiff was not able to withdraw the amount so deposited by the first defendant in C.S.No.913 of 2005, he came forward with the present suit.

4. Summons were served on the first defendant and the first defendant took out an application for rejection of the plaint. Its case in the rejection of the



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plaint is that the film “ DHUM” was produced and released in 2003. If any amounts were outstanding from the first defendant to the plaintiff, the suit should have been presented on or before 2006. Yet, the suit came to be filed in the year 2008 and therefore, the suit is barred by time.

5. The second plea, being that the first defendant had no dealings with the plaintiff as regards the film “MAJAA” and therefore, there is no cause of action for the plaintiff as against the first defendant.

6. The learned trial Judge received counter from the plaintiff and proceeded to dismiss the rejection of plaint application. Hence this Civil Revision Petition.

7. When the matter was taken up for disposal, none appeared on behalf of the petitioner. Mr.V.Deena Dayalan appears on behalf of the first respondent/plaintiff. This Civil Revision Petition had been dismissed as against the respondents 2 to 5 on 22.02.2023. Since the contesting respondent is the plaintiff, the dismissal of this revision petition against the respondents 2 and 3



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does not bar me from hearing the matter on merits.

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8. Narration of the aforesaid facts would show that the plea of the first defendant is that the suit is barred by time and there is no cause of action. This Court had passed an order in O.A.No.1004 of 2005 in C.S.No.913 of 2005 directing the first defendant to deposit a sum of Rs.10,00,000/- with the fifth defendant. The attempt of the plaintiff to withdraw the amount was also rejected and finally C.S.No.913 of 2005 itself came to be closed as infructuous.

9. Yet again, the parties litigated before this Court in C.S.No.98 of 2008 that suit was subsequently transferred and re-numbered as O.S.No.9258 of 2010. While disposing of the application in A.No.1637 of 2008 in C.S.No.913 of 2005 and in A.No.589 of 2008 in C.S.No.98 of 2008, this Court passed an order on 23.04.2008. In the said proceedings, this Court directed the amount of Rs.10,00,000/- deposited with the Prasad Film Laboratories to be kept in safe deposit in the name of the Registrar General, High Court, Madras till the disposal of C.S.No.98 of 2008.



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10. At the time of disposing of the application, the learned Judge entered upon a finding that the liability of the first defendant has been adjudicated by the Joint Consultative Committee of the Tamil Nadu Film Producers Council and it had instructed the fifth defendant Laboratories not to release the film until the liability is cleared. There is an arbitral decision taken by the Producers Council and therefore, this Court concluded that the first defendant cannot escape its liability. In other words, the liability of the first defendant continued until the release of the movie “MAJAA”, pursuant to the orders of this Court. Therefore, prima- facie the suit cannot be held to be barred by time.

11. With respect of lack of cause of action, the reading of the plaint shows that cause of action exists as the plaintiff has advanced money to the civil revision petitioner and the amounts had not been returned. The plaint further proceeds that as per the practice prevailing in the Entertainment Industry, the first defendant has held out that he will not release its next movie till it clears the amount that it owes to the plaintiff. Since both the points are answered against the civil revision petitioner, the Civil Revision Petition is



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dismissed.

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12. In the result, the civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

sr

To

The Additional District and Sessions, Judge,
Fast Track Court No.IV, Chennai.



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V.LAKSHMINARAYANAN,J.,

sr

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