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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2024

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Civil Suit No. 824 of 2014

Vetrivel Creations by its
Proprietor V.Senthil Kumar
Residing at No.5, 10th Cross Street,
Anna Nagar, Peelamedu,
Coimbatore – 641 004. .. Plaintiff

Vs.

1.S.Sasikala

2.S.Shanmugham (Deceased)

3.Lone Wolf Productions
Represented by its Proprietor
R.Shanmugha Raja alias Mysskin
Sagas Kalyani Arcade,
No.10, Cenotaph Road,
Alwarpet, Chennai – 600 018.

4.Vijay Television Net Works Private Ltd.,
Represented by its Chief Executive Officer,
Having Office at No.15, 1st Floor,
Jagannathan Road, Nungambakkam,
Chennai – 600 034.

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5.Dakshin Raj
S/o.Late Shanmugham .. Defendants

[5th defendant is brought on record as legal heir of the deceased second defendant as per order dated 06.03.2024 in A.Nos.454 to 456 of 2024]

Prayer:-

Civil Suit has been filed under Section 55 of Copy Right Act, 1957 read with Order IV, Rule 1 of O.S. Rules prays for a judgment and decree

(a) grant permanent injunction against the defendants 1 to 4 jointly and severally or anybody claiming through them from screening, exploiting, digitalizing, telecasting, displaying in any form including electronic and visual media and in any manner dealing with Tamil talkie cinemotograph film ONAIYUM AATUKUTTIYUM;

(b) declaring that the documents 26.09.2013 a and b and 30.09.2013 described in the schedule to the plaint are illegal, null and void and consequentially;

(c) direct the defendants 1 and 2 to pay a sum of Rs.63,50,000/- to the plaintiff with interest at 18% per annum from the date of plaint till the date of realization;

(d) direct the defendants 1 and 2 jointly and severally to account for and settle the share of the plaintiff from the collection of the theatres in Chengelpet distribution area from 27.09.2013 with interest 18% per annum from the date of plaint till the date of realization in addition to the

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ascertained amount claimed in relief no "c" and

(e) direct the defendants 1, 2 and 4 to render accounts for screening the film ONAIYUM AATUKUTTIYUM in the channel of the 4th defendant on 04.11.2013 and subsequently on other dates on the basis of the inter play advertisement revenue and settle the totally realized revenue to the plaintiff;

(f) direct the defendants 1 and 2 to pay damages and compensation to the plaintiff for mental agony, suffering and loss of business at Rs.5 lakhs with interest from the date of plaint till date of realization;

(g) direct the defendants 1, 2 and 4 to pay the cost of the suit to the plaintiff.

For Plaintiff	:	No appearance
For Defendants	:	No appearance for D1 and D5 D2 – Died Mr.B.Vivekavanan for D3 Mr.Vijaya Raghavan and Associates for D4

J U D G M E N T

Today, when the matter is taken up for hearing, there is no representation for the plaintiff. Therefore, this Civil Suit is dismissed for

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default. Consequently, connected applications are closed, if any. There shall be no order as to costs.

03.04.2024

ms
Index : Yes/No
Speaking / Non-speaking

To
The Sub-Assistant Registrar,
Original Side,
High Court, Madras.

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P.VELMURUGAN, J.

ms

C.S.No.824 of 2014

03.04.2024