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O.S.A (CAD) Nos.111 and 113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

O.S.A (CAD) Nos.111 and 113 of 2023

&

C.M.P.Nos.19507 of 2023 in O.S.A (CAD) Nos.111 of 2023

C.M.P.No. 19572 of 2023 in O.S.A (CAD) Nos.113 of 2023

Mr.R.Kishore Kumar
Proprietor
Annai Therasa International Films
Any time Money Films
both having office at No.6/36
Arunachalam Road
Saligramam, Chennai – 600 093

... Appellant
in both appeals

Vs.

1. Durairajan @ R.D.Ragan
2. M/s.R.R.Cine Production
Rep. By its Managing Partner
Durairajan @ R.D.Ragan
No.6, School 3rd Street
Virugambakkam
Chennai – 600 092
3. Film & Television Producers
Guild of South India
Rep. By its Secretary



O.S.A (CAD) Nos.111 and 113 of 2023

New No.19, Old No.5 Jagatheeswaran Street
T.Nagar, Chennai – 600 017

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4. Tamil Film Producers Council

Rep. By its Secretary
South Indian Film Chambers Compound
No.606, Anna Salai
Chennai – 600 006

5. Central Board of Film Certification

Regional Office, Shastri Bhavan
26, Haddows Road
Chennai – 600 006

6. Qube

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

7. UFO

No.33/1, Walaja Road
Chepauk, Chennai – 600 002

8. PxD Prasad Lab

Arunachalam Road
Saligramam
Chennai – 600 093

.. Respondents

Original Side Appeals filed under Section 13 of Commercial Courts Act, 2015 to set aside the order dated 13.06.2023 made in Application Nos.5922 and 5923 of 2022 in C.S.No.237 of 2022.

For Appellant : Mr.T.Thiageswaran
of M/s.Waraon and Sairam (Law Firm)

For Respondents : Mr.Krishna Ravindran for R1
Mr.C.Kulanthaivel
Senior Panel Counsel for R5
No appearance for R2 to R4 and R6 to R8



O.S.A (CAD) Nos.111 and 113 of 2023

COMMON JUDGMENT

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(Judgment of the Court was delivered by **M.Sundar, J.**)

This common order will govern the captioned two 'Original Side Appeals' ['OSAs' for the sake of brevity] and captioned two 'Civil Miscellaneous Petitions' ['CMPs' for the sake of brevity] thereat.

2. Both captioned OSAs are directed against interim orders made by Hon'ble Commercial Division. Suffice to say that the entire lis pertains to rival claim for one cinematograph film, which we are informed has been given Censor Board Certificate in two different titles showing one adversary in each certificate as the producer. We express no opinion on this as closure is being given to the captioned OSAs and the Commercial Division will now be deciding the main suit on its own merits and in accordance with law.

3. Mr.T.Thiageswaran, learned counsel of M/s.Waraon and Sairam (Law Firm) for appellant in both OSAs and Mr.Krishna Ravindran, learned counsel for both respondents are before us. Learned counsel for appellant has made endorsements in the case file and scanned reproduction of the same are as follows:



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O.S.A (CAD) Nos.111 and 113 of 2023

Permit to withdraw
this OSA
P. Neelakumar
Counsel for Appellant
4/6/2024

Permit to withdraw
this CMP

P. Neelakumar
Counsel for Appellant
4/6/2024

4. We appreciate the fair stand that it would be desirable to have the matter decided in the main suit as the parties are evenly balanced nay delicately poised as both have injunctions against each other. We express no opinion on this aspect either.



O.S.A (CAD) Nos.111 and 113 of 2023

5. In the light of the fair stand taken by counsel on both sides, captioned OSAs and captioned CMPs are disposed of as closed. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter and that it is well settled that opinions expressed in interlocutory orders will have no bearing for deciding the main suit. For the purpose of abundant clarity and specificity, we make it clear that main suit will be decided untrammelled by the interlocutory proceedings and disposal/withdrawal of these intra-court appeals.

Captioned OSAs and CMPs are disposed of as closed / withdrawn in the aforesaid manner. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
04.06.2024

Index:Yes/No
Neutral Citation: Yes/No
gpa



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O.S.A (CAD) Nos.111 and 113 of 2023

**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,
gpa**

O.S.A (CAD) Nos.111 and 113 of 2023

04.06.2024