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C.S.(Comm.Div.) No.207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S.(Comm.Div.) No.207 of 2023

Mr.N.Kannappan,
Proprietor, Studio Plus Entertainment,
No.2/6, Allu Villa,
20 & 22, Ramakrishna Street, T.Nagar,
Chennai-600 017.

... Plaintiff

vs.

1. Gomathi Sankar Pictures, a Partnership firm
Represented by its Partners,
No.14/1, Saravana street,
T.Nagar, Chennai-600 017.
Also at Gomathi Sankar Jewellers,
20, Main Road, Sankarankovil,
Tenkasi District-627 756.

2.Bravo Music,
Represented by Mr.Palaniandaver Dhakshnamoorthy,
2/6, Indhira Bhavan, Masthan Ali Garden
S.V.Lingam Road, Chennai-600 026.

... Defendants

PRAYER: Complaint filed under Order IV Rule 1 of the Original Side Rules
And Order VII Rule 1 of CPC and Section 2(1)(c)(ix) of Commercial Courts
Act, 2015 (No.4 of 2016) r/w Sections 51, 55, 62 of the Copyrights Act,



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1957, prays for the Judgment and Decree against the defendants as follows:

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(i) Declaring that the plaintiff is the absolute owner of the limited copyright viz., the sole and exclusive internet rights of the Tamil colour Talkie pictures titled “AVAN ORU SARITHIRAM” and “Ponoonjal”

(ii) For a permanent injunction restraining the defendants, their men, agents, successors, agents, assigns or anyone claiming through or under him from infringing the plaintiff's limited copyright viz., the sole and exclusive internet rights of the Tamil colour Talkie pictures titled “AVAN ORU SARITHIRAM” and “Ponoonjal”

(iii) For cost of the suit.

For Plaintiff : Ms.Meha Varshni M.R.
for Mr.R.Sathish Kumar
For Defendants : Set *Ex parte*

J U D G M E N T

The suit was filed for declaration that the plaintiff is the absolute owner of the limited copyright, namely, the sole and exclusive internet rights over the tamil movies titled “Avan Oru Sarithiram” and “Ponoonjal”. A permanent injunction was also prayed for to restrain the defendants from infringing the plaintiff's limited copyright.



2. In spite of suit summons being served, the defendants failed to enter appearance. Consequently, the 1st defendant was set ex parte on 03.04.2024 and the 2nd defendant was set ex parte on 22.03.2024. The plaintiff examined Mr.N.Kannappan, Proprietor, as P.W.1 and exhibited Exs.P1 to P15 through P.W.1.

3. Learned counsel for the plaintiff referred to the legal heirship certificate of the late Mr.Kutralingam (Ex.P3) and his death certificate (Ex.P2). She also referred to the assignment agreement dated 14.04.2023 (Ex.P8) and contended that the limited copyright was assigned thereunder to the plaintiff for a term of 50 years. By pointing out that the 2nd defendant unauthorisedly exhibited these movies on a channel, she submitted that the 2nd defendant was put on notice that action would be initiated. In response, she submits that the 2nd defendant stated that permission was obtained from the original copyright holder, but failed to produce any documents in support of such assertion.



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4. On examining the evidence adduced by the plaintiff and in the absence of contra evidence from the defendants, the suit is liable to be decreed as prayed for. Since costs follow the event, the plaintiff is entitled to costs of Rs.50,000/- (Rupees Fifty thousand only), which includes Court fees, lawyer's fees and other expenses.

5. Therefore, the suit is decreed in terms of prayers (i) and (ii) of paragraph 15 of the plaint. The defendants are also directed to pay costs of Rs.50,000/- to the plaintiff.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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Plaintiff's witness:

P.W.1 – N.Kannappan

**Documents exhibited by the plaintiff:**

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of censor certificate of the movie “Avan Oru Sarithiram” dated 14.12.1976. (Affidavit under Section 65B of the Indian Evidence Act filed and recorded)
Ex.P2	Photocopy of death certificate of Kutralingam dated 19.04.1997. (Affidavit under Section 65B of the Indian Evidence Act filed and recorded)
Ex.P3	Photocopy of legal heir certificate of Kutralingam dated 10.07.1997. (Affidavit under Section 65B of the Indian Evidence Act filed and recorded)
Ex.P4	Photocopy of Will executed by Kutralingam dated 20.01.1997. (Subject to proof and relevancy)
Ex.P5	Photocopy of death certificate of K.Karthikeyan dated 23.07.2015.
Ex.P6	Photocopy of legal heir certificate of K.Karthikeyan dated 05.11.2015.
Ex.P7	Photocopy of affidavit of No Objection executed by the sons of Late K.Karthikeyan in favour of their mother, Tmt.Gomathi dated 07.04.2023.
Ex.P8	Photocopy of assignment agreement from the 1 st defendant to plaintiff dated 14.04.2023.
Ex.P9	Photocopy of letter from the 1 st defendant to Gemini colour Laboratory dated 14.04.2023.
Ex.P10	Photocopy of assignment agreement dated 14.04.2023.
Ex.P11	Photocopy of assignment agreement from Mrs.Theivanai to the plaintiff dated 20.04.2023.
Ex.P12	Photocopy of letter from the 1 st defendant to Vijaya Color Laboratory dated 14.04.2023.
Ex.P13	Photocopy of letter from Vijaya Color Laboratory to 1 st



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<i>Exhibits</i>	<i>Documents</i>
	defendant dated 22.04.2023.
Ex.P14	Photocopy of letters between the plaintiff, Youtube and the 2 nd defendant dated 31.07.2023. (Affidavit under Section 65B of the Indian Evidence Act filed and recorded)
Ex.P15	Photocopy of censor certificate of the movie “Ponoonjal” (Affidavit under Section 65B of the Indian Evidence Act filed and recorded)

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