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C.S.(Com.Div).No.198 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.(Com.Div).No.198 of 2023

B.Gopi

... Plaintiff

Vs.

1. Vemal

2. R.Singaravelan

...

Defendants

PRAYER: The Plaint filed under Order VII Rule 1 of Original Side Rules of this Court read with Order XXXVII Rule 1 of C.P.C., and numbered as C.S.(Comm Div) No.198 of 2023 praying for judgment and decree against the defendants, as follows:

(a) directing the defendant to pay the plaintiff a sum of Rs.3,06,75,000/- with 18 % future interest on the above from the date of plaint till the date of realization of the amount;

and

(b) For the Costs of the suit

For Plaintiff : Mr.R.Venkatesh

For Defendants : D1 set exparte on 01.03.2024
D2 set exparte on 08.11.2023



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J U D G M E N T

The plaintiff has filed the suit for recovery of money to the tune of Rs.3,06,75,000/- with 18 % future interest from the defendant, from the date of plaint till the date of realization of the amount.

2. It is the case of the plaintiff that the plaintiff is a financier and the first defendant is a proprietor of A3V cinemas. The first defendant seeks financial assistance from the plaintiff through the second defendant for his film. The plaintiff and first defendant have entered into an agreement dated 13.04.2026. As per the agreement, the plaintiff paid sum of Rs.5,00,00,000/- to the first defendant through the second defendant, and the first defendant had also agreed to repay the borrowed sum. Though the movie has been released by the first defendant, he has not returned back the money to the plaintiff as per the loan agreement. In the mean time, the plaintiff and the first defendant have entered into Memorandum of Understanding with the plaintiff, as the first defendant agreed to pay a sum of Rupees Three Crores to the plaintiff within the



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stipulated time. Though the plaintiff has approached the first defendant on several times with regard to repayment of the said agreed amount, there was no response from him. Hence the suit.

3. The first defendant had been set ex-parte vide order of this Court dated 01.03.2024. The second defendant had already been set ex-parte vide order of this Court dated 08.11.2023. In order to substantiate the case of the plaintiff, 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, seven documents have been marked as Exs.P1 to P7.

4. The plaintiff has filed the proof affidavit for oral evidence and also marked seven documents Exs.P1 to P7. Ex.P1 is the Photocopy of the negative transfer agreement between GK Studios and A3V Cinemaz dated 10.03.2016. Ex.P2 is the Photocopy of the contract between GK studios and A3V Cinemaz and Arasu Films dated 13.04.2016. Ex.P3 is the Photocopy of the MoU between Gopi and A3V Cinemaz dated



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21.09.2021. Ex.P4 is the Photocopy of the legal notice sent by the first defendant's counsel to one Mr.Velmurugan dated 04.10.2021. Ex.P5 is the Office copy of the letter sent by the plaintiff dated 08.03.2022. Ex.P6 is the Original letter sent by the first defendant to the plaintiff dated 10.03.2022. Ex.P7 is the Office copy of the complaint sent by the plaintiff to the Commissioner of Police dated 19.04.2022.

5. 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.

6. In view of the same, the suit is decreed as prayed for with costs. Consequently, connected application if any, is closed.

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Plaintiff's witness: P.W.1 – Mr.B.Gopi

Defendants' witness: Nil

Documents exhibited by the plaintiff:

SNo	Exhibit	Date	Description of the document
1	Ex.P1	10.03.2016	Photocopy of the negative transfer agreement between GK Studios and A3V cinemaz dated 10.03.2016
2	Ex.P2	13.04.2016	Photocopy of the contract between GK studios and A3V Cinemaz and Arasu Films dated 13.04.2016
3	Ex.P3	21.09.2021	Photocopy of the MoU between Gopi and A3V Cinemaz dated 21.09.2021
4	Ex.P4	04.10.2021	Photocopy of the legal notice sent by the first defendant's counsel to one Mr.Velmurugan dated 04.10.2021
5	Ex.P5	08.03.2022	Office copy of the letter sent by the plaintiff dated 08.03.2022
6	Ex.P6	10.03.2022	Original letter sent by the first defendant to the plaintiff dated 10.03.2022
7	Ex.P7	19.04.2022	Office copy of the complaint sent by the plaintiff to the Commissioner of Police dated 19.04.2022.

Documents exhibited by the Defendant: Nil

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P.VELMURUGAN, J.

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