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C.S.(Comm.Div.) No.248 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.248 of 2023

Mr.S.Mohamed Sirajudeen,
Proprietor of M/s.SSS Pictures,
Old No.16, New No.29 (South Wing part-2)
2nd Floor, Chokhani Tower While Lane,
Royapettah,
Chennai-600 014.

... Plaintiff

-VS-

1. A1 Productions,
Represented by its Proprietor,
K.Johnson,
Having office at
S-2, 2nd Floor at S-2, 2nd Floor,
No.64, Ganesh Flats,
Ganesh Flats, Anbu Nagar Main Road,
Anbu Nagar, Nerkundran, Chennai- 600 107.

2. K.Johnson

3. D.Babu @ Yogi Babu

4. Siddharth Vipin

5. S.Manikandaraja

... Defendants



PRAYER: Civil Suit (Commercial Division) filed under Order VII

Rule 1 of CPC Read With Section 6 of the Commercial Courts Act, 2015, prays for a judgment and decree as against the Defendants herein:

(a) Declaring the Plaintiff is the sole and absolute copyright holder of the story and screenplay utilized in the filming of the cinematographic film titled 'Medical Miracle';

(b) Directing the Defendants to give full and proper accounts of the funds generated by the Defendants by indulging in commercial exploitation of the cinematographic film titled 'Medical Miracle';

(c) Directing the Defendants to surrender to the Plaintiff the entire print, audio and promotional material of the film titled 'Medical Miracle' for the Plaintiff to utilize in any manner best determined by the Plaintiff; and

(d) Direct the Defendants to pay the Plaintiff the cost of the suit.

For Plaintiff : Mr.Saurabh Mishra

For Defendants : M/s.R.Manivannan for D1 and D2
M/s.B.Damodaran for D3



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D4 - Ex parte on 09.01.2024

D5 - Unserved

JUDGMENT

By order dated 26.03.2024, the matter was referred to the Mediation and Conciliation Centre annexed to this Court. Pursuant thereto, a mediation report dated 29.04.2024 has been placed on record. Attached thereto is memorandum of compromise executed by and between the plaintiff and defendants 1 and 2. The settlement provides for payment of a sum of Rs.13 lakhs by the first and second defendants and the acceptance of the same by the plaintiff as full and final settlement.

2. Although the memorandum of compromise enables the plaintiff to proceed against the fourth defendant, on instructions, learned counsel for the plaintiff submits that a settlement was arrived at between the plaintiff and the fourth defendant and that the suit may be decreed in terms of the memorandum of compromise subject to this observation.



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3. Upon examining the terms of the memorandum of compromise, I see no legal impediment to the disposal of the suit in terms thereof.

4. Therefore, subject to the observation at paragraph 2, C.S.(Comm Div) No.248 of 2023 is decreed in terms of the memorandum of compromise dated 29.04.2024. Since the suit was settled upon reference for mediation, court fee shall be refunded to the plaintiff. There shall be no order as to costs.

12.08.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

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SENTHILKUMAR RAMAMOORTHY,J

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