



C.S.No.435 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No.435 of 2017

N.Sairam,
Proprietor of M/s.VVS Creations,
No.2C, II Floor, Nandhitha Apartments,
No.47, Thirumalai Pillai Road,
T.Nagar, Chennai 600 017.

... Plaintiff

Vs.

- 1.C.H.Vamsy Krishna Srinivas,
Proprietor of M/s.SVK Cinema,
Flat No.101, Satya Mandir,
Film Nagar, Jubilee Hills, Hyderabad,
Telangana State,
Permanent residing at
No.9-7, 40/7/2, Lakshmi Nagar,
Sivajipalem,
Visakhapatnam-530 017.
2. Kaushal Kishore,
Proprietor of M/s. Professional Creations,
No.1-B, Dhananjay Chambers,
Yousuf Guda Main Road,
Ameerpet, Hyderabad,
Telangana State.
3. R.P.Bala,



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Proprietor of M/s.R.P.Films,
No.5/3, Kamaraj Street,
Gandhi Nagar,
Saligramam,
Chennai 600 093.

4. M/s.Real Image Technology (P) Ltd,
Rep. By its Director,
No.42, Dr.Ranga Road,
Mylapore,
Chennai 600 004.

5. The President,
M/s.Film & Television Producers,
Guild of South of India,
No.B1, Rams Flat,
No.19, Jagatheswaran Street,
T.Nagar, Chennai 600 017.

... Defendants

PRAYER:

The Civil Suit filed under Order IV Rule V of O.S.Rules read with Order VII Rule 1 of C.P.C., read with Section 51 and 61 of the Copyright Act, 1957, prays to pass a judgment and decree as against the defendants

a) Granting a permanent injunction restraining the third defendant or any one claiming under him from attempting to dub the Telugu film “RA RA Krishnayya” into Tamil as per the purported



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agreement dated 26.10.2016 of the third defendant claiming to have received the right to dub in Tamil from the first defendant.

b) Granting such further or other reliefs

c) Granting exemplary costs against the third defendant who has been attempting to infringe the copyright of the plaintiff to dub Telugu Film in question in Tamil.

For Plaintiff : Mr.D.Krishnamoorthy

For D1, D3, D4 & D5 : Set exparte vide order dated 22.08.2023

For D2 : Unserved (vacated)

J U D G M E N T

This suit is filed by the plaintiff for granting permanent injunction restraining the third defendant or any one claiming under him from attempting to dub the Telugu film “RA RA Krishnayya” into Tamil as per the purported agreement dated 26.10.2016 of the third defendant claiming to have received the right to dub in Tamil from the first defendant.



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2. The case of the plaintiff is that the first defendant has produced a Telugu feature film “Ra Ra Krishnayya” in Telugu language and the first defendant sold its dubbing rights to second defendant for the valuable consideration and in turn, the second defendant sold the dubbing right of the abovesaid film to the plaintiff. Whiles, the third defendant has created fraudulent agreement as if the first defendant has sold the dubbing right to the third defendant. Hence the plaintiff has filed the present suit.

3. The defendants 1, 3 , 4 & 5 have already been set ex-parte by this Court on 22.08.2023. Ex-parte evidence has been recorded on the side of the plaintiff. The plaintiff's representative viz., Mr.N.Sai Ram, the Proprietor of the plaintiff's Company was examined as a witness on the side of the plaintiff (PW1). He has also filed a proof affidavit reiterating the contents of the plaint filed in support of this suit. Through PW1, 17 documents have been marked as Exs.P1 to P17. Ex.P1 is the photocopy of the Dubbing Rights Agreement between the first and second defendants dated 13.06.2014. Ex.P2 is the photocopy of the



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Dubbing Rights Agreement between second and the plaintiff dated 13.08.2015. Ex.P3 is the photocopy of the letter of the first defendant to Prasad Film Laboratories Private Limited dated 13.06.2014. Ex.P4 is the photocopy of the confirmation letter No.PFL-P1498/362/2016 of the Prasad Film Laboratories Pvt.Ltd dated 19.01.2015. Ex.P5 is the photocopy of the letter of the second defendant to Prasad Film Laboratories Pvt. Ltd dated 13.08.2015. Ex.P6 is the photocopy of the confirmation letter of the Prasad Film Laboratories Pvt.Ltd dated 13.08.2015. Ex.P7 is the photocopy of the Dubbing Rights Agreement between first and third defendant dated 26.10.2016. Ex.P8 is the paper advertisement of the third defendant in Thina Thanthi dated 28.04.2017. Ex.P9 is the public notice in news paper by the plaintiff through Advocate in Malai Malar dated 05.05.2017. Ex.P10 is the office copy of the legal notice of the plaintiff to the third defendant dated 07.05.2017 along with postal receipt. Ex.P11 is the office copy of the notice sent by the plaintiff to the fourth defendant dated 09.05.2017 along with postal receipt. Ex.P12 is the office copy of the notice sent by the plaintiff to the 5th defendant dated 09.05.2017 along with postal receipt. Ex.P13 is the



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office copy of the notice sent by the plaintiff to Prasad Film Laboratories Pvt.Ltd dated 09.05.2017 along with postal receipt. Ex.P14 is the office copy of the notice sent by the plaintiff to Xtrame Digital Cinema Net Work dated 09.05.2017 along with postal receipt. Ex.P15 is the office copy of the notice sent by the plaintiff to Regional Officer, Censor Board, Hyderabad dated 07.05.2017 along with postal receipt. Ex.P16 is the priginal returned cover of legal notice sent to the third defendant dated 11.05.2017. Ex.P17 is the paper advertisement of the plaintiff in Thina Thanthi dated 17.05.2017.

4. From the above oral and documentary evidence, it is clear that the plaintiff has established his claim.

5. The defendants 1, 3, 4 & 5 did not contest the suit as they were set ex-parte on 22.08.2023.

6. The summons have not been served on D2 as he had vacated the premises/address stated in the plaint.



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7. Further, on a perusal of plaint, proof affidavit and oral evidence of P.W.1 and the exhibits marked through P.W.1, it shows that the plaintiff has clearly proved his claim. Therefore, the suit is decreed as prayed for with costs.

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Plaintiff's witness: P.W.1 – Mr.N.Sai Ram

Defendants' witness: Nil

Documents exhibited by the plaintiffs:

S.No	Exhibits	Date	Description of the Exhibits
1	Ex.P1	13.06.2014	Photocopy of the Dubbing Rights Agreement between the first and second defendants dated 13.06.2014. (The learned counsel for the plaintiff has stated that the original is with the first defendant. The second defendant has given the photocopy of the agreement to the plaintiff when the purchase of the rights).
2	Ex.P2	13.08.2015	Photocopy of the Dubbing Rights Agreement between second and the plaintiff dated 13.08.2015



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3	Ex.P3	13.06.2014	Photocopy of the letter of the first defendant to Prasad Film Laboratories Private Limited dated 13.06.2014
4	Ex.P4	19.01.2015	Photocopy of the confirmation letter No.PFL-P1498/362/2016 of the Prasad Film Laboratories Pvt.Ltd dated 19.01.2015.
5	Ex.P5	13.08.2015	Photocopy of the letter of the second defendant to Prasad Film Laboratories Pvt. Ltd dated 13.08.2015.
6	Ex.P6	13.08.2015	Photocopy of the confirmation letter of the Prasad Film Laboratories Pvt.Ltd dated 13.08.2015.
7	Ex.P7	26.10.2016	Photocopy of the Dubbing Rights Agreement between first and third defendant dated 26.10.2016.
8	Ex.P8	28.04.2017	Paper advertisement of the third defendant in Thina Thanthi dated 28.04.2017.
9	Ex.P9	05.05.2017	Public notice in news paper by the plaintiff through Advocate in Malai Malar dated 05.05.2017.
10	Ex.P10	07.05.2017	Office copy of the legal notice of the plaintiff to the third defendant dated 07.05.2017 along with postal receipt.
11	Ex.P11	09.05.2017	Office copy of the notice sent by the plaintiff to the fourth defendant dated 09.05.2017 along with postal receipt.
12	Ex.P12	09.05.2017	Office copy of the notice sent by the plaintiff to the 5 th defendant dated 09.05.2017 along with postal receipt.



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13	Ex.P13	09.05.2017	Office copy of the notice sent by the plaintiff to Prasad Film Laboratories Pvt.Ltd dated 09.05.2017 along with postal receipt.
14	Ex.P14	09.05.2017	Office copy of the notice sent by the plaintiff to Xtrame Digital Cinema Net Work dated 09.05.2017 along with postal receipt.
15	Ex.P15	07.05.2017	Office copy of the notice sent by the plaintiff to Regional Officer, Censor Board, Hyderabad dated 07.05.2017 along with postal receipt.
16	Ex.P16	11.05.2017	Original returned cover of legal notice sent to the third defendant dated 11.05.2017.
17	Ex.P17	17.05.2017	Paper advertisement of the plaintiff in Thina Thanthi dated 17.05.2017.

Documents exhibited by the defendants: Nil

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P.VELMURUGAN, J.

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