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C.S. (Comm. Div.) No.44 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. (Comm. Div.) No.44 of 2024

and

O.A. No.141 of 2024

P.L. Thenappan

...

Plaintiff

vs.

Astro Channel,
Kuala Lumpur,
Malaysia, Besi Bukit Jalil-57000.

...

Defendant

Prayer : PLAINT FILED UNDER ORDER VII RULE I OF CIVIL PROCEDURE CODE, 1908 AND ORDER IV RULE 1 OF O.S. RULES, 1956 READ WITH SECTIONS 51, 55, 58, 62 AND 63 OF THE COPYRIGHT ACT, 1957 AND THE COPYRIGHT (AMENDMENT) ACT, 2012 AND SECTION 7 OF COMMERCIAL COURT ACT, 2016 to grant a judgment and decree on the following terms :

a. To declare that the defendant has infringed the plaintiff copyright by streaming the movie "Kaathala Kaathala without obtaining without necessary permission.



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- b. To direct the defendant to render an account of profits made by him by streaming the movie "Kaathala Kaathala on Youtube.
- c. To grant interim injunction restraining the defendant from streaming the movie "Kaathala Kaathala in the Defendant's Channel
- d. Grant costs of this suit; and
- e. Grant any such further and other reliefs

For Plaintiff : Dr. E. Gomathi

JUDGEMENT

The learned counsel for the plaintiff seeks permission of this Court to withdraw the suit, since no cause of action for the suit arose within the jurisdiction of this Court. Admittedly, the defendant is a TV channel in Kuala Lumpur, Malaysia, where the plaintiff claims that the defendant is telecasting the subject movie, which will amount to infringement of copyright.

2. This Court expresses its prima facie view and the learned counsel accepted the same and has sought permission of this Court to withdraw the suit with a liberty for the plaintiff to file a fresh suit on the same cause of action before the appropriate Court in Malaysia.



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Accordingly, this suit is dismissed as withdrawn. However, liberty as sought for by the plaintiff is granted. No costs. Consequently, connected application is closed.

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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.

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