



A.No.6184 of 2024

The suit has been filed for infringement. Since the fifth respondent / fifth defendant is having its office at Mumbai, outside the jurisdiction of this Court, leave has been sought for in this application to file the suit against the fifth respondent / fifth defendant. The suit has been filed on the basis that the respondents / defendants have infringed the copyright of the plaintiff by using 'Behind The Screen' scenes from the plaintiff's film, "Naanum Rowdy Dhaan".

2. The plaintiff is the producer of the said film. According to the applicant / plaintiff, major part of cause of action arose within the jurisdiction of this Court, since the defendants Nos.1 to 4 are having their office / residence only at Chennai, within the jurisdiction of this Court and the film "Naanum Rowdy Dhaan" was also produced by the plaintiff only at Chennai.

3. According to the applicant / plaintiff, since the fifth respondent / fifth defendant, who is telecasting the infringed film, which according to the applicant / plaintiff contains 'Behind The Screen' scenes from the plaintiff's



film "Naanum Rowdy Dhaan", is also a necessary party and since they are having their office outside the jurisdiction of this Court, leave to sue is sought for against them.

4. Mr.Satish Parasaran, learned senior counsel accepts notice on behalf of respondents Nos.1 to 4. Mr.R.Parthasarathy, learned senior counsel accepts notice on behalf of the respondent No.5. In fact, the defendants Nos.1, 3 and 4 have already filed their caveat through their counsel.

5. The learned senior counsel appearing for the respondents Nos.1 to 4 / defendants Nos.1 to 4 would submit that the leave has been sought for only as against the fifth respondent / fifth defendant.

6. Mr.R. Parthasarathy, learned senior counsel appearing for the respondent No.5 / defendant No.5 would submit as follows:

a) The cause of action for the present suit arose as early as on 27.04.2020, when the applicant / plaintiff was aware of the use of 'Behind The Screen' scenes in the instagram post of the fourth respondent / fourth



defendant. He would, therefore, submit that the applicant / plaintiff without complying with the statutory requirement of Section 12 A of the Commercial Courts Act, which stipulates pre-suit mediation, has filed a suit in the year 2024, despite having knowledge about the alleged 'Behind The Screen' scenes as early as on 27.04.2020 itself. According to him, there is no necessity for any urgent reliefs as prayed for by the applicant / plaintiff and therefore, the suit has to be dismissed at the threshold itself and no leave can be granted as prayed for in this application.

7. This Court is only deciding a leave to sue application. The grievances of the respondents / defendants as pleaded by the respective counsels can be if at all redressed only after the suit gets numbered. Since this Court is not expressing any opinion on the merits of the respondents / defendants contentions as pleaded before this Court by the respective senior counsels, it is left open to be decided when this Court will be dealing with interlocutory applications, seeking for any interim injunction. It is always open for the respondents / defendants to file a revoke leave application to question the jurisdiction of this Court to decide the suit at a later point of time if they so desire.



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ABDUL QUDDHOSE.J.,

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8. Based on the plaint averments as well as the averments contained in the affidavit filed in support of this application and in view of the fact that the defendants Nos.1 to 4 are having their office / residence at Chennai and the pleadings also indicate that major part of cause of action arose within the jurisdiction of this Court, this Court is inclined to grant leave to sue as prayed for as against the fifth respondent / fifth defendant, who is having office at Mumbai, outside the jurisdiction of this Court.

9. Accordingly, this application is allowed as prayed for.

10. Registry is directed to number the suit, if it is otherwise in order.

27.11.2024

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