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C.M.P.No.3150 of 2025 in
OSA(CAD) No.18 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

C.M.P.No.3150 of 2025
in
OSA(CAD) No.18 of 2023

K.Shibu
Proprietor Thameem Films, No.42/2, Avanthika
Apartment, Flat No.F1, Vellalar Street,
Kodambakkam, Chennai 600 024

Appellant(s)

Vs

C.S.Padam Chand
S/o.Late S.Chain Raaj Jain, Old No.34, Co-
Operative Street, Alwarpet, Chennai 600 018.
and another

Respondent(s)

For Appellant(s):

Mr.P.Dinesh Kumar

For Respondent(s):

Mr.R.R.Mohanaraja
For Mr.T.R.C.Vengatesh
For M/s. My Lord Law Associates for R1
Mr.R.V.Vigneshwar
For Mr.T.Thiageswaran for R2



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ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Petitioner is seeking a direction to the Registry to return the original Settlement Deed dated 20.02.2020 that was submitted pursuant to the order dated 14.03.2023 in OSA(CAD) No.18 of 2023.

2. Respondent No.2, on 10.03.2025, through his counsel, stated no objection for granting of the relief. Counsel for respondent No.1 sought time to file counter and a counter has been filed.

3. Originally, first respondent had filed an O.A.No.130 of 2023 to restrain applicant from releasing the movie "Thugs" pending disposal of the arbitral proceedings. By an order dated 21.02.2023, injunction was granted. Second Respondent was not party to the original proceedings. Thereafter, second respondent filed an application in A.No.70 of 2023 to vacate the interim injunction and to also add second respondent as party. Injunction order was vacated on 23.02.2023. Challenging the order, appeal



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came to be filed by first respondent. Appeal was partly allowed by directing applicant to furnish security in a sum of Rs.2,60,00,000/- by way of immovable security or in the form of bank guarantee and first respondent was directed to commence arbitral proceedings. In compliance, applicant furnished a settlement deed that was in favour of his wife Mumthas Muhameed, which had been registered before the Sub Registrar, Virugambakkam as security.

4. Following this, arbitral proceedings were commenced by first respondent and after hearing the parties, the Arbitrator was pleased to terminate the arbitral proceedings by an order dated 31.12.2024.

5. According to respondent No.1, the arbitral proceedings were terminated since the Arbitrator felt that serious allegations of fraud, forgery and cheating have been made and as per the settled law, it would be more appropriate for Courts to deal with the subject matter, instead of the Arbitral Tribunal. The parties were permitted to agitate the issue before the appropriate Court.



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6. Despite the said order being passed on 31.12.2024, first respondent is yet to file any suit. In the counter, first respondent says that the relief prayed for should not be granted because he is yet to file a suit and until the proposed civil suit is disposed, surety documents filed by applicant should not be returned.

7. In our view, this is the most preposterous statement to be made by any party. Effectively, respondent No.1 wants security in non-existent proceedings.

8. In such circumstances, we allow the application.

9. Registry is directed to return the original settlement deed dated 20.02.2020 to the applicant within three days of receiving an application which counsel for applicant says will be filed within one day of the order being uploaded.



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10. Application is disposed of.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ.J.)

24.03.2025

kpl

To

Sub Assistant Registrar
Original Side
High Court
Madras