



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED: 10.03.2025

CORAM:

**THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY**

A.No.566 of 2025

in C.S.(Comm.Div)No.54 of 2024

P.A. Art Productions,  
Represented by its Authorised Signatory,  
P.AR.Subramanian, No.24, Bhagirathi Ammal Street,  
T.Nagar, Chennai-600 017. ... Applicant/4<sup>th</sup> defendant

vs.

1. M/s.Evergreen Media P. Limited,  
Represented by its Authorised Signatory,  
Mr.J.Anto Joel,  
No.11/19, Vengeeswarar Nagar First Main Road,  
Vadapalani, Chennai – 600 026.  
... 1<sup>st</sup> Respondent/Plaintiff

2. M/s. O.K.Films,  
Represented by its Proprietrix,  
Smt. K.Uma Rani.

3. M/s. Ho Ho Films,  
Represented by its Proprietrix,  
Smt. K. Uma Rani.

4.M/s.Ding Dong Bell Films,  
Represented by its Proprietrix,  
Smt. K. Uma Rani.



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(Respondents 2 to 4 having office at  
No. 829, Anna Salai,  
Airlines buildings, Chennai-600 002.

5. John Doe/s @ Ashok Kumar/s

6. M/s. AP International,  
Represented by its Partner,  
Mr.Sanjay A Wadhwa,  
Old No.80, New No.42,  
New Avadi Road, Kilpauk,  
Chennai-600 010.  
(the 6<sup>th</sup> defendant impleaded as per order dated  
02.08.2024 in A.No.2992 of 2024)

7. M/s. Sreedevi Video Corporation,  
Represented by its Partner,  
Mr.Ghanshyam Hemdev,  
No.5/3, Muktha Garden,  
Spurtank Road, Chetpet,  
Chennai-600 031.  
(the 7<sup>th</sup> defendant impleaded as per order dated  
02.08.2024 in A.No.2994 of 2024)

8. HICE TELEMEDIA PRIVATE LIMITED,  
Represented by is Authorised Signatory,  
Sivayogen AP,  
33, 1<sup>st</sup> floor, Tiny Sector,  
Thiru-vi-ka Industrial, Guindy, Chennai-600 032.  
(the 8<sup>th</sup> defendant impleaded as per order dated  
02.08.2024 in A.No.3490 of 2024)

9. T.J. Ashok  
(the 9<sup>th</sup> defendant impleaded as per order dated  
08.01.2025 in A.No.3704 of 2024)

.. Respondents 2 to 9/Defendants 1 to 3, 5 to 9



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Prayer: Application is filed under Order XIV Rule 8 of Original Side Rules Read With Order VII Rule 11(d) of the Civil Procedure Code, 1908, to reject the plaint in C.S.(Comm.Div)No.54 of 2024.

For Applicant/4<sup>th</sup> Defendant : Mr.S.Karthikei Balan

For R1/Plaintiff : Mr.K.Ravi, Senior Advocate  
for M/s.Rugan & Arya

For R6/D6 : Mr.R.Sathishkumar

For R7/D7 : Mr.C.Ramesh

For R8/D8 : Mr.T.R.Sundaram

For R9/D9 : Mr.M.V.Swaroop

### **ORDER**

By this application, the 4<sup>th</sup> defendant seeks rejection of the plaint. The application is filed on the ground that the plaintiff did not exhaust pre-institution mediation as mandated by Section 12A of the Commercial Courts Act, 2015 (the Commercial Courts Act).

2. Learned counsel for the applicant/4<sup>th</sup> defendant submits that the plaint does not contain any averment with regard to the plaintiff seeking



urgent interim relief. In fact, he contends that even the affidavit in support of Original Application No.173 of 2024 does not contain such averment. By referring to the judgment of the Hon'ble Supreme Court in *Patil Automation Private Limited v. Rakheja Engineers Private Limited*, (2022) 10 SCC 1, learned counsel contends that the plaint is liable to be rejected in such a situation.

3. The plaint was signed on or about 12.02.2024 and admitted on 01.03.2024. The admitted position is that Original Application No.173 of 2024 was filed along with the plaint. In the affidavit in support of such application, the plaintiff has asserted that infringement of the plaintiff's copyright over 320 movies is continuing, and that this causes irreparable hardship to the plaintiff. On that basis, the plaintiff prayed for ad interim relief.

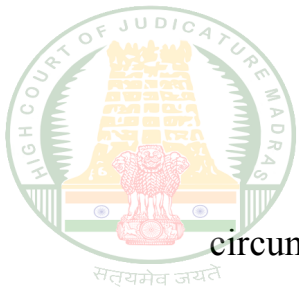
4. By *prima facie* accepting that the plaintiff is entitled to ad interim relief, this Court, by order dated 05.03.2024, granted *ex parte* ad interim relief to the plaintiff.



WEB COPY 5. Under Section 12A of the Commercial Courts Act, pre-institution mediation is mandatory unless the suit contemplates urgent interim relief. The present suit relates to alleged infringement of intellectual property rights, wherein every act of infringement constitutes a fresh cause of action. By alleging such infringement, the plaintiff requested for and was granted ad interim relief on *ex parte* basis.

6. In *Yamini Manohar v. T.K.D.Keerthi*, 2023 LiveLaw (SC) 906, the Supreme Court examined as to whether the plaintiff can unilaterally determine whether urgent interim relief is contemplated by the suit. While concluding that the plaintiff cannot unilaterally make such determination and that the Court plays a role in deciding whether the suit contemplates any urgent interim relief, it was clarified that the Court should examine whether the interim application was lodged solely to circumvent the requirement of Section 12A.

7. In the factual context outlined above, this Court concluded that the plaintiff is entitled to ad interim relief on *ex parte* basis. Therefore, I am unable to conclude that the interim application was lodged solely to



circumvent the requirement of Section 12A of the Commercial Courts

WEB COPY Act.

8. Hence, the application to reject the plaint is dismissed without any order as to costs.

**10.03.2025**  
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Index : Yes / No  
Internet : Yes / No  
Neutral Citation: Yes / No

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**SENTHILKUMAR RAMAMOORTHY,J.**

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A.No.566 of 2025  
in C.S.(Comm.Div)No.54 of 2024

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(1/2)