



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.2378 of 2025

in C.S.(Comm. Div.) SR No.75232 of 2025

C.Ramesh Kumar
Proprietor R.K. Entertainment,
Old No 6/179, New No 13/389,
Arumugam Street, Nehru Nagar,
Pozhichalur Main Road,
Pozhichalur, Chennai-600074.

.. Applicant/Plaintiff

VS.

1. Jamshad Cithirakath Actor Arya
Proprietor, The Show People, No.4,
Second Main Road, I-Block,
Anna Nagar East, Chennai-600102.

2. Venkat Boyanapalli
Proprietor, Niharika Entertainment, Plot No.171,
Road No.11, Prashasen Nagar,
Jubilee Hills, Hyderabad 500 033
Telengana.

.. Respondents/ Defendants

Prayer : Application is filed under Order XIV Rule 8 of Original Side Rules, Clause 12 of Letters Patent Read With Section 151 C.P.C., to grant leave to the applicant to institute the suit as against the 2nd defendant.



For Plaintiff : Mr.T.T.Ravichandran

For D1 : Mr.V.Raghavachari, Senior Counsel
for Mr.K.Kumaravel
Mr.T.Mohan

For D2 : Mr.D.Baskar
for Ms.J.Pooja

ORDER

In a proposed suit seeking injunctive and other reliefs in respect of a cinematographic film titled "DD Next Level" with Devil's Double in the background, the intending plaintiff seeks leave to sue the 2nd respondent before this Court. In the draft plaint, it is asserted that the plaintiff coined the title "DD Returns" for his cinematographic film and released the same for public viewing on 28.07.2023. It is also stated that the 1st defendant is residing within the jurisdiction of this Court and that the infringing movie was released in Chennai.

2. Learned senior counsel for the 1st defendant submits that the allegedly infringing movie was released in theatres recently and, therefore, there is no immediate urgency. Consequently, he submits that compliance with pre-institution mediation is mandatory. He also contends that the producer of the movie "DD Returns", Handmaid, represented by



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its proprietor, Santhanam, has not been joined as a party and that the suit suffers from non-joinder of a necessary party.

3. On examining the draft plaint and on considering the submissions of learned counsel, it appears that at least part of the cause of action has arisen within the jurisdiction of this Court. Therefore, by keeping open all contentions raised on behalf of the 1st defendant, leave is granted to the applicant to sue the 2nd defendant before this Court. As a corollary, the Registry is directed to number the suit, if otherwise in order.

04.06.2025

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SENTHILKUMAR RAMAMOORTHY,J.

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