



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.A.No.438 of 2024
in C.S.(Comm.Div.) No.108 of 2024

J.Parthiban
Son of Mr.Jayaraman
No.24 M, Kurinji Flats
Alagar Perumal Koil Street,
Vadapalani, Chennai 600 026

... Applicant

-VS-

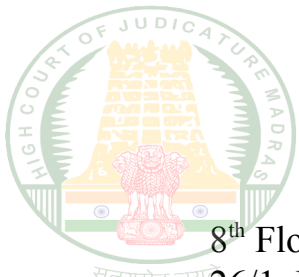
1. Wall Watcher Films
Represented by its Partner
No. 16/7 A, 1st Avenue, Harrington Road,
Chetpet, Chennai 600 031.

2. M.Pushkar
Partner of Wall Watcher Films
No. 16/7 A, 1st Avenue, Harrington Road,
Chetpet, Chennai 600 031.

3. Mrs.Gayathri
Partner of Wall Watcher Films
No. 16/7 A, 1st Avenue, Harrington Road,
Chetpet, Chennai 600 031.

4. Amazon Seller Services Private Limited,
Represented by its Managing Director,

1/7



WEB COPY

8th Floor, Brigade Gateway,
26/1, Dr.Rajkumar Road, Malleshwaram (West),
Bangalore-560 055.

... Respondents

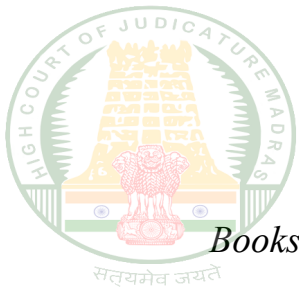
Prayer: Judge's summons filed under Order XIV Rule 8 of O.S.Rules read with Order VII Rule 11 of the Code of Civil Procedure praying to reject the plaint in C.S.(Comm) No.108 of 2024.

For Applicant : Mr.V.Prakash, Senior Advocate
for M/s.K.Sudalai Kannu

For Respondents : Mr.K.Harishankar for R1 to R3
Mr.Rahul Balaji for R4

ORDER

By this application, the plaintiff seeks to restrain defendants 1 to 4 from releasing the web series “SUZHAL” Season 2. The affidavit in support of this application was affirmed on 20th June 2024. Learned senior counsel for the applicant / plaintiff submits that the plaintiff authored the story “NIZHAL” in August 2020 and registered the same on 17.09.2021 with the South Indian Film Writers Association (SWAN) on 17.09.2021. By referring to the comparison between the plaintiff's story and Season 1 of the web series, he submits that the web series is a copy of the plaintiff's story. He relies upon the Judgment of the Delhi High Court in *Raja Pocket*



Books v. Radha Pocket Books, 1997(40) DRJ 791, particularly paragraphs 15 to 17 thereof.

2. He also submits that the registration card issued to the plaintiff by SWAN contains the date of registration and time, whereas the registration card relied on by defendants 1 to 3 does not contain the date of registration. Therefore, at the interlocutory stage, he submits that credibility cannot be attached to the document relied upon by defendants 1 to 3.

3. In response to these contentions, Mr.K.Harishankar, learned counsel for defendants 1 to 3 submits that the story on which the web series SUZHAL is based was conceived in 2015. By referring to paragraph 11 of the written statement, he submits that the time line for various activities relating to the production and release of Season 1 of the web series has been set out therein in great detail. He also submits that documents in support of each activity specified therein were filed along with the written statement. By contrast, he states that the plaint is largely based on hearsay by relying on paragraph 16 thereof.



WEB COPY 4. In support of his contentions that the application for interim injunction is liable to be dismissed, he referred to and relied upon the following judgments:

- “1. *Shamoil Ahmad Khan v. Falguni Shah & Ors*, 2020(6) *Mh.L.J.* 465.
2. *Mansoor Haider v. Yashraj Films & Ors*, 2014 SCC Online Bom 652.
3. *Akashaditya Harishchandra Lama an Adult Indian Inhabitant v. Ashutosh Gowarikar Adult Indian Inhabitant & Ors* 2016 SCC Online Bon 5207.
4. *Balagangadhar & Ors v. K Shankar & Anr* 2023 SCC Online Mad 4748.
5. *Bikramjeet Singh Bhullar v. Yash Raj Films Private Limited & Ors*, 2023 SCC Online Del 8212.”

5. Learned counsel for the fourth respondent, Mr. Rahul Balaji, submitted that no averments have been made in the plaint to the effect that Season 2 of the web series SUZHAL is based on the plaintiff's story or that it is a copy thereof. He also submitted that considerable amounts have been invested by the fourth respondent and that the plaintiff has approached the Court belatedly seeking interim relief.



WEB COM

6. The limited question that falls for consideration is whether the plaintiff is entitled to interim relief restraining the release of Season 2 of the web series “SUZHAL”. In this case, the plaintiff asserts that such web series is a copy of the story “NIZHAL” authored by the plaintiff in August 2020 and registered on 17.09.2021 with SWAN. Defendants 1 to 3 refute the allegation that the web series is based on the plaintiff's story. Instead, these defendants state that the web series is based on the story “SUZHAL”, which was authored by AKS.Pushkar and registered with SWAN on 19.09.2018. Both the certificates of registration are on record. Learned senior counsel for the plaintiff contends that the certificate produced by defendants 1 to 3 does not contain the date and time of registration. It is noticeable that the registration card bears no.004980. It also bears the membership number (MN1109) and the date of receipt of the story from AKS.Pushkar. In addition, it appears the signature on behalf of the General Secretary of SWAN. At least for interlocutory purposes, this registration card cannot be disregarded merely because it does not contain a date and time of registration.



WEB COPY

7. Consequently, the first question that should be examined in the suit is whether the story on which the web series “SUZHAL” was based pre-dates the plaintiff's story. In such event, the web series cannot be a copy of the plaintiff's story. It is also possible that the web series is not really based on the story “SUZHAL” authored by AKS.Pushkar. At this juncture, no conclusion can be drawn on these aspects. Therefore, it cannot be said that the plaintiff has established a *prima facie* case of infringement of copyright over the story “NIZHAL”. Even otherwise, several stakeholders are involved in the production and release of a web series and any restraint on the release thereof is likely to cause great prejudice not only to parties before this Court but also to third parties.

8. For these reasons, I am not inclined to grant interim relief to the plaintiff. This application is dismissed without any order as to costs.

26.02.2025
(2/3)

rna



WEB COPY



SENTHILKUMAR RAMAMOORTHY,J

rna

O.A.No.438 of 2024
in C.S.(Comm.Div.) No.108 of 2024

26.02.2025
(2/3)