



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.07.2025

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

A.No.2920 of 2025
in C.S.(Comm.Div.) No.40 of 2025

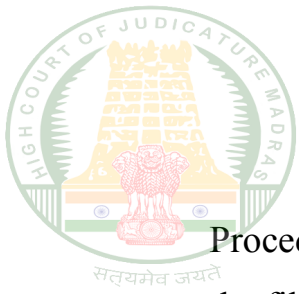
Palanivel Dhaksna Moorthy,
G-115, Spencer Plaza 2nd Space,
Ground Floor, Mount Road, Chennai – 02. ... Applicant/1st Defendant

-VS-

1. Raj Television Network Limited,
Represented by its Authorised Signatory Mr. Manimaran S.,
Having office at No 32, Poes Road, 2nd Street,
Chennai 600 018. ... 1st Respondent/Plaintiff

2. YouTube,
Google LLC, Unite No.26,
The Executive Centre, Level 8,
DLF Centre, Sanad Marg,
Connaught Place, New Delhi-110 001.
(Cause title as extracted from the plaint) ... 2nd Respondent/2nd Defendant

Prayer:Application is filed under Order XIV Rule 8 of the Original Side
Rules Read With Order VII Rule 11(a) and (d) of the Code of Civil



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Procedure, 1908 to reject the plaint in C.S.(Comm.Div)No.40 of 2025 on the file of this Court.

For Applicant : Mr.G.R.Hari

For R1 : Mr.Vijayan Subramanian

For R2 : Mr.G.Balasubramanian for M/s.Leela & Co.

ORDER

This application is filed by the 1st defendant for rejection of the plaint. The application is filed both under clause (a) and (d) of Order VII Rule 11 of the Code of Civil Procedure, 1908 (the CPC). The said clauses are set out below:

“11. Rejection of plaint— The plaint shall be rejected in the following cases:—

(a) where it does not disclose a cause of action;

.. ..

(d) where the suit appears from the statement in the plaint to be barred by any law :

In order to succeed under clause (a), the applicant should establish that the plaint does not disclose a cause of action. In paragraphs 6 to 8 of the plaint,



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the plaintiff has stated that it acquired the copyright in the cinematographic films mentioned in the schedule to the plaint under specific agreements and that the same was infringed by the defendants by unauthorisedly broadcasting the said movies.

2. In the affidavit in support of this application, the applicant states that the claims made by the plaintiff regarding ownership of copyright are false. As is evident from the language of clause (a), the determination as to whether the plaint discloses a cause of action should be made on the assumption that the statements made in the plaint are true. Therefore, this objection is untenable.

3. Learned counsel for the applicant primarily relied on clause (d) of Order VII Rule 11 of the CPC to contend that the suit is barred under Section 12A of the Commercial Courts Act, 2015 (the Commercial Courts Act). In support of this contention, he relied upon paragraph 113.1 of the judgment in *Patil Automation Private Limited and others v. Rakheja Engineers Private Limited*, (2022) 10 SCC 1 (*Patil Automation*) and



paragraphs 10 to 12 of the Supreme Court judgment in *Yamini Manohar v. T.K.D.Keerthi*, (2024) 5 SCC 815 (*Yamini Manohar*).

4. In *Patil Automation*, in the factual context of a suit in which no interim application was lodged, the Supreme Court held that Section 12A of the Commercial Courts Act is mandatory and that the plaint is liable to be rejected under Order VII Rule 11, if Section 12A is not complied with. In *Yamini Manohar*, in the factual context of an application for interim relief being lodged, the Supreme Court concluded that the plaintiff cannot unilaterally decide whether the suit contemplates urgent interim relief. The Supreme Court further held that the Commercial Court plays a limited role of examining whether the application for interim relief was intended as a disguise or mask to wriggle out of and circumvent the obligation under Section 12A.

5. In the case at hand, the plaint was accompanied by an application seeking interim injunction regarding the alleged infringement of the copyright. Upon being satisfied that an *ex parte* order of ad interim



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injunction should be granted, such order was granted on 31.01.2025. In the affidavit in support of the application for interim injunction, *inter alia* at paragraph 22, the plaintiff has asserted that injury is being caused on a continued basis on account of the continuing acts of infringement. In these circumstances, it cannot be held that the application for interim relief was filed solely to circumvent the requirement of pre-institution mediation.

6. For reasons set out above, this application is dismissed without any order as to costs.

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SENTHILKUMAR RAMAMOORTHY,J.

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