



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 925 of 2025

1. TSR FILMS PRIVATE
LIMITED

Rep.by its Authorized Signatory
Mr.D.Teddy Joshua
No 2 Old No 29 Lake Area First
Cross Street, Nungambakkam
Chennai 600 034.

Applicant(s)

Vs

1. Silver Screen Multiplex Sc1
Godhra
Dahod Road, Vavadi Bujarg,
Bapunagar, Society, Godhra
Panchamahar 389 001 Gujarat, GJ
India.

Respondent(s)

PRAYER

Arbitration application filed under Order XIV Rule 8 r/w Section (ii) (d) of the Arbitration and Conciliation Act, 1996, praying to pass an order appointing an Advocate Commissioner to visit the Respondents premises, Theatres, Auditorium, Screens, Projector Room and any other premises of the Respondent along with Local Police protection



to break open if necessary, and to seize and take custody of the Applicants equipment specifically described in the Schedule to the Judges Summons and hand them over to the Applicant pending final adjudication of the disputes between parties through arbitration.

For Applicant(s): Mr.Aswanth for
M/s.D.R.Law Chambers
R.Devi
A.G.Vinodh Choudary
R.Reka
G.Sanjay
Vishwanath Hariharan

For
Respondent(s): M/s.A.Jagadeeswari
(777/1990)
S.Iyyappan(7559/2024)
B.Sruthi(9004/2024)
R.K.Varshini(2295/2019)

ORDER

When the matter was taken up for hearing on 15.07.2025,
this Court passed the following order:-

This application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for the appointment of an Advocate Commissioner to seize and take custody of the applicant's equipment, morefully described in the schedule to the judges summons and now lying in the respondent's premises and hand over the custody of the same to the applicant, pending disposal of the arbitral proceedings.

2.The applicant is engaged in the business of providing Film Projection and Sound Services through Digital Projection System to exhibitors for theatrical presentation in India. They have entered into a contract dated



08.03.2023 with the respondent through which they have supplied cinema equipment for the respondent/theatre complex on rental basis. According to the applicant, the respondent has committed breach of contract dated 08.03.2023 by not paying the rentals to the applicant as per the agreement date 08.03.2023. It is also the case of the applicant that the respondent, instead of utilising any applicant's equipment, is now using the equipment provided by the third party. According to the applicant, as per terms and conditions of the agreement, the respondent cannot get the very same equipment from the third party and use it for the theatre complex. As seen from the affidavit filed in support of this application, the applicant also apprehends that the equipment supplied by them due to non use by the respondent will depreciate its value in which event the applicant will be put to irreparable loss and hardship.

3.The applicant claims that the respondent is also not willing to return the equipment to the applicant. Therefore, the applicant has filed this application seeking for the appointment of an Advocate Commissioner as prayed for in this application. 4.This Court is of the considered view that at this stage, the only interim relief that can be granted in favour of the applicant is to appoint an Advocate Commissioner to take inventory of the applicant's equipment, morefully described in the schedule to the judges summons from the respondent's premises and submit a report to this Court. For the said relief, the applicant has made out a prima facie case and balance of convenience and irreparable hardship have also been established. Accordingly, the following order is passed by this Court:

a)Mr.C.Suraj, Advocate, having office at Flat No.11, Lakshmi Apartments, Kasturibai Nagar, 3rd Main Road, Adyar, Chennai - 600 020 (Mob. No.97427 61511) is appointed as the Advocate Commissioner to take inventory of the equipment, morefully described in the schedule to the Judges Summons by visiting the premises of the respondent and inspecting the equipment of the applicant at the said premises and thereafter submit a report to this Court on the next hearing date;



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b)The applicant shall initiate arbitration in accordance with the arbitration agreement contained in the contract within a period of 90 days from today. In case, the applicant fails to initiate arbitration within the stipulated time, the order passed by this Court today shall stand automatically vacated and the re-possessed equipment shall also be redelivered back to the respondent by the applicant unconditionally;

c)In case, the Advocate Commissioner requires Police assistance due to any law and order problem or due to any obstruction caused by the respondent or by any third party, while re-possessing the equipment, the advocate commissioner is at liberty to seek police assistance from the concerned police station and the police department shall grant police protection accordingly. In case, break open of the premises, where the equipment is located, is required, the Advocate Commissioner shall break open the premises in the presence of the police and take an inventory and thereafter re-posses the equipment; d)The Advocate Commissioner shall be paid an initial remuneration of Rs.40,000/- and on receipt of the same, the advocate commissioner shall proceed to execute this order. All the boarding, lodging and travelling expenses for the Advocate Commissioner shall be borne by the applicant.

Notice to the respondent returnable by 19.08.2025. Private Notice is also permitted.

2. After the notice was served on the respondent, an attempt was made amicably to settle the dispute the between the parties.

3. When the matter was taken up for hearing today, the joint compromise memo was filed signed by both the parties and their respective counsel.



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4. In the light of the above development, this application is disposed of in terms of the joint compromise memo filed by the parties.

25-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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N.ANAND VENKATESH J.
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