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A.No.4775 of 2024 ~  
O.A.No.43 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Reserved on : 09.01.2025**

**Pronounced on : 31.01.2025**

**CORAM**

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

**A.No.4775 of 2024  
& O.A.No.43 of 2024**

**A.No.4775 of 2024:**

1.Bharath Kumar Huf  
2.G.Ramlal Ranka & Son Huf  
3.Vikram Ranka Huf

Applicant(s)

Vs

1.M/s.KJR Studios,  
Proprietor Mr.Jayaram Kotapadi  
Having Office at No.5, 4<sup>th</sup> Floor,  
Rapid Skyline, #8/14, Sri Krishnapuram Street,  
Royapettah, Chennai – 600 014.

2.Jayaram Kotapadi  
Proprietor of M/s.KJR Studios,  
Having Office at No.5, 4<sup>th</sup> Floor,  
Rapid Skyline, #8/14, Sri Krishnapuram Street,  
Royapettah, Chennai – 600 014.

3.Rajesh Jayaram Kotapadi  
S/o. Mr.Jayaram Kotapadi,  
Authorised Signatory for M/s.KJR Studios,  
Having Office at No.5, 4<sup>th</sup> Floor,  
Rapid Skyline, #8/14, Sri Krishnapuram Street,  
Royapettah, Chennai – 600 014.



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4.PVR INOX Limited,  
7<sup>th</sup> Floor, Lotus Grandeur Building,  
Veera Desai Road, Opposite Gundecha Symphony,  
Andheri (West) Mumbai – 400 053.

5.Sun TV Network Limited,  
Rep. by its authorized representative,  
Murasoli Maran Towers,  
No.73, MRC Nagar Main Road,  
MRC Nagar, Chennai – 600 028.

6.M/s.Goldmines Telefilms Private Limited,  
Rep. by its Director Mr.Manish Shah,  
Having Office at 601-A/1 & A/2,  
B Wing, 6<sup>th</sup> Floor, Palm Court “M” Premises, CHS Limited,  
Above D Mart, Link Road, Malad (West),  
Mumbai, Maharashtra – 400 062.

7.M/s.24AM Studios Private Limited (OPC),  
Rep. by its Managing Director, Mr.RD.Raja,  
Having office at No.9, Spring Field, Jaganathan Road,  
Nungambakkam, Chennai – 600 034.

Respondent(s)

**Prayer:** Application filed to implead M/s.24AM Studios Private Limited.,  
the proposed respondent No.7 in the above O.A.No.43 of 2024.

**For Applicant(s):** Mr.R.Saravanan  
for Mr.T.Saikrishnan

**For Respondent(s):** Mr.Rahul Balaji (R5)  
Mr.Manjunath Karthikeyan  
for Mr.SR.Raghunathan (R6)  
No appearance for R1 to R4



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Vs

Applicant(s)

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Proprietor Mr.Jayaram Kotapadi  
Having Office at No.5, 4<sup>th</sup> Floor,  
Rapid Skyline, #8/14, Sri Krishnapuram Street,  
Royapettah, Chennai – 600 014.

2.Jayaram Kotapadi  
Proprietor of M/s.KJR Studios,  
Having Office at No.5, 4<sup>th</sup> Floor,  
Rapid Skyline, #8/14, Sri Krishnapuram Street,  
Royapettah, Chennai – 600 014.

3.Rajesh Jayaram Kotapadi  
S/o. Mr.Jayaram Kotapadi,  
Authorised Signatory for M/s.KJR Studios,  
Having Office at No.5, 4<sup>th</sup> Floor,  
Rapid Skyline, #8/14, Sri Krishnapuram Street,  
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Rep. by its Director Mr.Manish Shah,  
Having Office at 601-A/1 & A/2,  
B Wing, 6<sup>th</sup> Floor, Palm Court “M” Premises, CHS Limited,  
Above D Mart, Link Road, Malad (West),  
Mumbai, Maharashtra – 400 062.

Respondent(s)

*[R6 impleaded as per order dated  
18.03.2024 in A.No.1530 of 2024]*

**Prayer:** Application filed to grant an interim order of interim injunction restraining the respondents 1 to 3, their men, agents, servants or anyone claiming through them from in any manner releasing the Telugu version or other language versions of the Tamil feature film titled 'Ayalaan' either under the same title or any other title by way of theatrical exhibition in the States of Andhra Pradesh and Telangana or in any other area and from releasing any language versions of the said Tamil feature film 'Ayalaan' in the Over the Top (OTT) platforms and through the television network or exploitation of any further rights in any medium or technology without settling the dues of the applicants, pending the arbitral proceedings.

**For Applicant(s):** Mr.R.Saravanan  
for Mr.T.Saikrishnan

**For Respondent(s):** Mr.Rahul Balaji (R5)  
Mr.Manjunath Karthikeyan  
for Mr.SR.Raghunathan (R6)  
No appearance for R1 to R4



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**COMMON ORDER**

It is an application to implead M/s.24AM Studios Private Limited, the proposed respondent No.7 in O.A.No.43 of 2024

2.I have Mr.R.Saravanan, learned counsel for the applicants and Mr.Manjunath Karthikeyan, learned counsel for Mr.S.R.Raghunathan, learned counsel for the 6<sup>th</sup> respondent and Mr.Rahul Balaji, learned counsel for the 5<sup>th</sup> respondent.

3.The applicants entered into a Loan Agreement with the first respondent on 18.02.2020. It is the further case of the applicants that they moved a Section 9 application in O.A.4 of 2024 seeking to restrain the respondents from releasing the movie 'Ayalaan'. A compromise was entered into on 11.01.2024 and a sum of Rs.1,00,00,000/- was paid by the respondents 1 to 3 to the 2<sup>nd</sup> applicant and the respondents further undertook to pay Rs.4,00,00,000/- by 19.02.2024 and the remaining balance of Rs.3,55,77,124/- was undertaken to be paid. An interim order



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granted by this Court in the Section 9 petition was vacated on the strength of the Joint Compromise Memorandum entered into by the parties on 11.01.2024.

4. According to the applicants, the respondents committed breach of the undertaking and proceeded to release the film and also attempted to deal with the other language rights and other format rights in the film 'Ayalaan' necessitating the applicants to file Arb.Appln.No.42 of 2024. An order came to be passed on 18.07.2024, disposing of the said application with certain directions.

5. Yet another application in O.A.No.43 of 2024 was filed for an order of interim injunction to restrain the respondents from releasing Telugu or other language versions and also OTT through any other medium or technology and an injunction order was passed by this Court on 22.01.2024. The 6<sup>th</sup> respondent was impleaded in the application on the contention that he had got the Hindi rights of the film 'Ayalaan' from the 7<sup>th</sup> respondent who is stated to be the original producer of the film 'Ayalaan. According to



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the applicants, there was an agreement between the proposed 7<sup>th</sup> respondent, M/s.24AM Studios Private Limited and the 1<sup>st</sup> respondent on 25.01.2018 wherein the said M/s.24AM Studios Private Limited, represented to the 1<sup>st</sup> respondent that it was the producer and exclusive copyright holder of the film 'Ayalaan' which was then under protection and in terms of the Assignment agreement dated 25.01.2018 between the said M/s.24AM Studios Private Limited and the 1<sup>st</sup> respondent, the producer of the film 'Ayalaan'. According to the learned counsel for the applicant, the rights were assigned to and in favour of the 1<sup>st</sup> respondent. In view of the impleadment of the 6<sup>th</sup> respondent which is claiming Hindi rights, it is just and proper to implead the said M/s.24AM Studios Private Limited to effectively adjudicate O.A.No.43 of 2024.

6.The said application is resisted by the contesting 6<sup>th</sup> respondent stating the specific case of the applicants themselves when they moved the earlier application before this Court was that M/s.24 AM Studios Private Limited was the producer and exclusive copyright holder of the cinematograph film 'Ayalaan' in Tamil Colour and the Assignment



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agreement was in respect of the Assignment of copyright and exploitation of the said Tamil theatrical release for Indian territory and the same is evidenced by the agreement dated 25.01.2018. Even in the agreement dated 25.07.2018, being a deed of transfer of ownership of copyrights by the said M/s.24AM Studios Private Limited in favour of Goldmines Telefilms Private Limited, it has been clearly mentioned that seller M/s.24AM Studios Private Limited is the producer of the film in Tamil language, copyrights of which film have been assigned in favour of the said Goldmines Telefilms Private Limited. The schedule to the said deed of transfer also evidences the fact that it is only in respect of the Tamil film and not other languages.

7.In and by a Loan Agreement, the applicants have lent monies to the 1<sup>st</sup> respondent. In O.A.No.4 of 2024, this Court, finding that the respondents had *prima facie* borrowed monies from the applicants, granted an interim order restraining the release of the film. Subsequently, by order dated 22.01.2024, which is subsequent to the Joint Memorandum of Compromise dated 11.01.2024, this Court passed an order in O.A.No.43 of 2024 restraining the respondents 1 to 3 from releasing the Telugu version or other



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language versions of the theatrical film 'Ayalaan' either under same title or any other title by way of theatrical exhibition in the State of Andhra Pradesh and Telangana or in any other area and from releasing any language version of the Tamil film 'Ayalaan' in OTT and through television network or exploitation of any further rights in any medium or technology without settling the dues of the applicants pending disposal of the arbitration proceedings. Subsequently, on being mentioned, by order dated 24.01.2024, this Court refused to entertain the request of the respondents for modifying earlier order in O.A.No.43 of 2024 sought on the ground that the right of the respondents was confined only to theatrical rights in respect of Tamil language alone in Indian territory. This Court further held that it is open to the third parties like Sun TV Network Limited or 24AM Studios Private Limited to come before the Court to explain their stand and did not interfere with the order dated 22.01.2024.

8.Now, the order is sought to be modified at the instance of the newly impleaded party, namely the 6<sup>th</sup> respondent. It is the case of the 6<sup>th</sup> respondent that Goldmines Telefilm Private Limited who has filed a counter



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stating that the 6<sup>th</sup> respondent filed a deed of transfer of ownership of copyrights dated 25.07.2018 had acquired the ownership of copyrights of the film 'Ayalaan' from its producer, M/s.24AM Studios Private Limited and the said rights acquired were in respect of dubbing rights of the film in Hindi and all north Indian languages, excluding Tamil, Telugu, Kannada and Malayalam languages, for a period of 99 years. According to the 6<sup>th</sup> respondent, the said acquisition was for valuable consideration of Rs.13,00,00,000/- which has been paid way back on 26.07.2018 in full quits. According to the 6<sup>th</sup> respondent, they had received an Email from the counsel for the applicants on 29.01.2024 regarding an interim order granted by this Court. Contending that the valuable rights of the 6<sup>th</sup> respondent cannot be jeopardised by the applicants, that too when the rights of the respondent 1 was specifically confined to Tamil theatrical rights, the injunction order granted by this Court is sought to be modified.

9.The learned counsel for the applicants would however submit that unless the proposed 7<sup>th</sup> respondent comes before this Court and clarifies the position, it would not be possible for this Court to modify the interim order



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already granted. He would also point out the order dated 24.01.2024, in and whereby, this Court has refused to modify the interim order at the instance of the respondents.

10.I have carefully considered the submissions advanced by the learned counsel on either side.

11.Similarly, the 5<sup>th</sup> respondent also placed reliance on the Assignment agreement dated 02.02.2018 and supplementary agreement dated 04.06.2019 and rectification deed dated 23.08.2021, in and by which, the producer/ M/s.24AM Studios Private Limited has assigned to the assignee the exclusive world satellite TV Broadcast Rights, Direct to Home (Direct Satellite) Broadcast, Terrestrial Television Broadcast and all other rights connected therewith including the rights to telecast in all channels of Doordarshan to the 5<sup>th</sup> respondent/Sun TV Network Limited, in respect of Tamil language rights. The proposed 7<sup>th</sup> respondent had assigned the copyright for broadcasting the film in Satellite TV, Cable, Internet, etc., in respect of the Tamil version, besides also undertaking to exploit the world



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satellite broadcasting rights of the film in Tamil, Telugu, Kannda and Malayalam languages only after expiry of one from the date of first telecast of the film in Tamil by the 5<sup>th</sup> respondent herein. Thus, it can be seen that the Assignment in respect of South Indian languages was made independently and in respect of North Indian languages, the producer/M/s.24AM Studios Private Limited had independently assigned the rights to the 6<sup>th</sup> respondent. Originally, in O.A.No.4 of 2024, an interim injunction was granted restraining the release of the film. However, a Joint Compromise Memo entered into between the applicants and the respondents 1 to 3, in and by which the respondents 1 to 3 undertook to pay certain amounts, on the strength of which assurance, this Court on 11.01.2024 vacated the interim order dated 04.01.2024.

12.It is seen from the various documents filed by way of typed set of papers on the side of the contesting parties that the producer/ M/s.24AM Studios Private Limited had assigned only the copyright and right of exploitation of Tamil language theatrical rights for Indian Territory alone in favour of the 1<sup>st</sup> respondent. In fact, the said Assignment agreement dated



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25.01.2018 has been produced by the applicants themselves in the typed set of papers filed by them. The said Assignment is well prior to the Loan Agreement entered into between the applicants and the 1<sup>st</sup> respondent. Therefore, the applicants cannot be entitled to any larger relief or protection than what the 1<sup>st</sup> respondent is entitled to.

13.It is seen from the agreements that the producers M/s.24AM Studios Private Limited have clearly assigned only the copyright and right of exploitation of film 'Ayalaan' (then Production No.5 Tamil Colour) for Tamil language theatrical release for Indian Territory alone. Therefore, it is an inter se dispute between the applicants and the 1<sup>st</sup> respondent represented by the respondents 2 and 3. The applicants cannot seek to injunct release of the film in other languages/modes over which no rights were assigned in favour of the 1<sup>st</sup> respondent. In fact, as seen and discussed, both the respondents 5 and 6 have parted with huge consideration even prior to the Loan Agreement, in and by which, the applicants financed monies to the 1<sup>st</sup> respondent. However, on 21.01.2024, while granting the order in view of the prayer sought for by the applicants, an injunction was granted, which governed release of the film in other languages as well.



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14.At best, the applicants can only seek to injunct the release of the Tamil future film ‘Ayalaan’ in theatres in the entire territory of India. The rights which did not vest with the 1<sup>st</sup> respondent and had already stood vested with other respondents like the respondents 5 and 6, cannot be prejudiced by such an order which was passed behind their back. Clearly, this Court was not appraised of the factual position regarding the Assignment of only theatrical rights, that too in Tamil language in favour of the 1<sup>st</sup> respondent at the time of passing of the order in January 2024. Therefore, the said order has to be necessarily modified to protect the valid rights that have already vested with the respondents 5 and 6.

15.Further, in any event, there has been a Joint Memorandum of Compromise, protecting the rights of the applicants and it always open to them to work out the said rights to recover the amounts due and payable to them.

16.Insofar as the proposed 7<sup>th</sup> respondent being impleaded, despite notices published, the 7<sup>th</sup> respondent has not chosen to enter appearance.



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The agreement between the 1<sup>st</sup> and 7<sup>th</sup> respondent is available before this Court and in fact, produced by the applicants themselves. I do not think that allowing the impleading application is in any manner going to assist this Court.

17. In view of the above, I deem it fit to pass the following order:

i) There being no necessity to implead the proposed 7<sup>th</sup> respondent to decide O.A.No.43 of 2024, the application in A.No.4775 of 2024 to implead is dismissed.

ii) The interim order granted by this Court on 22.01.2024 is modified and restricted to an interim injunction restraining the respondents 1 to 3, their, men, agents, servants or anyone claiming through them from, in any manner releasing the Tamil feature film 'Ayalaan' by way of theatrical distribution throughout the Indian Territory, pending disposal of the arbitration proceedings. With the above modification, O.A.No.43 of 2024 is partly allowed.

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**P.B.BALAJI,J.**

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