



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

EP No. 109 of 2025

1. Sun TV Network Limited
Murasolimaran Towers, 72, MRC
Nagar Main Road, MRC Nagar,
Chennai-28. Rep. by its
Authorised Signatory Mr.M.Jyothi
Basu

Petitioner(s)

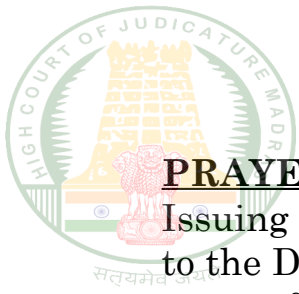
Vs

1. Mr.Narayanan Ramasamy
Sole Proprietor -Sri Thenandal
Films, Regd. Office No.2/8, Eighty
Feet Road, Devar Garden,
Saligramam, Chennai-93.

2.Narayanan Ramasamy,
S/o. Late Mr.ramanarayanan,
Residing At No.14/19, Saraswathy
Street, Mahalingapuram,
Nungambakkam, Chennai-34.

3.Mrs.Hema Rukmani,
W/o.narayanan Ramasamy,
Residing At No.14/19, Saraswathy
Street, Mahalingapuram,
Nungambakkam, Chennai-34.

Respondent(s)

**PRAYER**

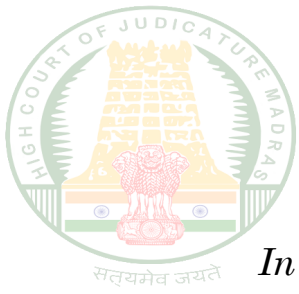
Issuing a warrant for delivery of the Schedule mentioned properties to the Decree holder by removing the JD from the property and in the event of any obstruction to free access remove or open any lock or bolt or break open any door or do any other act necessary police protection for putting the DH.

For Petitioner(s): Mr.Joe John
for M/s.King and Patridge
For Respondent: -

ORDER

This Execution petition has been filed under Order XXI Rule 35 of CPC r/w Section 36 of the Arbitration and Conciliation Act (hereinafter called as the “Act”) for issuing a warrant for delivery of possession of the schedule mentioned properties to the decree holder by removing the judgement debtor from the property and in the event of any obstruction to free access remove or open any lock or bolt or break open any door, if necessary with police protection for putting the claimant /decree holder under possession.

2. The petitioner, who is the claimant initiated arbitration proceedings to resolve the disputes between the parties under Theatrical Distribution agreement dated 26.10.2018. The sole arbitrator passed a final award dated 29.08.2023 in the following terms :-



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In the result:-

(i) The respondents are directed to pay a sum of Rs.33,74,90,090/- (Rupees Thirty Three Crores Secventy Four Lakhs Ninety Thousand and ninety only) with interest for a sum of Rs.51,00,00,000/- (Rupees fifty one crores) from the date of TDA namely 26.08.2018 till 22.09.2021 at the rat eof 12% p.a, and for a sum of Rs.33,74,90,090/- (Rupees thirty three Crores Seventy Fourt lakhs Ninety Thousand and Ninety) from 23.09.2021 till the date of realization on that amount at the rate of 12% per annum

(ii) The respondents are directed to pay Rs.1,08,97,380/- (Rupees one Crore Eight Lakhs Ninety Seven thousand three hundred and eighty only) along with interest at the rate of 12% per annum from 26.08.2022, till realisation of amount, towards the share of the claimant in the net profit generated from the movie.

(iii) The respondents are directed to pay a sum of Rs.3,22,20,640/- (Three Crores Twenty Two lakhs Twenty Thousand Six hundred and forty only) towards



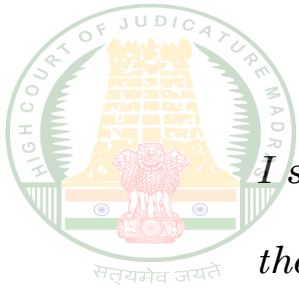
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registration charges and the TDS components paid by the claimant along with interest at the rate of 9% pa from 27.10.2021.

(iv) The respondents are directed to hand over possession of the properties in item No.1 and 2, in schedule 'A' to the claim petition, to the claimant within a period of three months from today.

(v) The respondents are directed to pay a sum of Rs.19,00,000/- (Rupees Nineteen lakhs only) towards fees of Arbitrator to the claimant as costs.

3. The above award was put to challenge by the respondents in Arb OP Com.Div No.333 of 2024. In the meantime, the petitioner had also filed an execution petition in EP No.13 of 2024. Both the petitions were taken up for hearing by this Court and by an order dated 31.01.2025, the challenge made to the final award was rejected and the Registry was directed to list the Execution Petition before this Court. Pursuant to the above order, the Execution petition was listed before the Court and during the pendency of the Execution petition in EP No.13 of 2024, the respondent filed an affidavit of undertaking and the relevant portions are extracted hereunder:-



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I submit that the above said execution petition is filed by the petitioner herein seeking for delivery of possession of the office premises situated at Old Door No.8, New Door No.2, 80 Feet Road, Saligramam, Chennai 600 093 and residential premises situated at Old Door No.19, New Door No.14, Saraswathi Street, Mahalingapuram, Chennai 600 034

2. I undertake to vacate the office premises referred aove within a period of one month from the date of receipt of copy of the order passed by this Hon'ble Court in the present Execution petition. I also further undertake to vacate and handover possession of the residential premises to the petitioner herein within a period of four months from the date of receipt of copy of the order passed by this Hon'ble Court.

3. I respectfully submit that the above said affidavit of my undertaking shall be recorded and i shall abide by the undertaking given by me without fail.

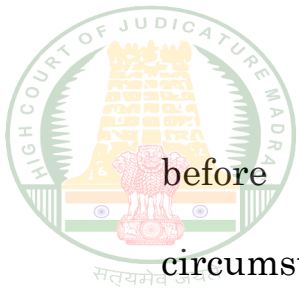
4. This Court acted upon the affidavit of undertaking given by the respondents and passed an order on 07.03.2025 in the



following terms:-

An affidavit of undertaking dated 06.03.2025 has been filed by the judgement debtor in terms of the directions issued by this Court on 05.03.2025. Learned counsel for the decree holder is satisfied with the same and would submit that it is in line with the directions issued by this Court on 05.03.2024. In view of the same, after recording the affidavit given by the judgement debtor dated 06.03.2025, which is taken on record, E.P No.13 of 2024 is disposed of.

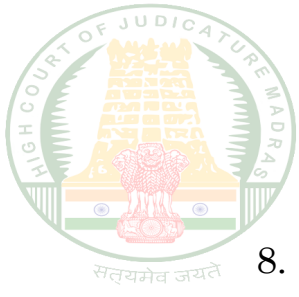
5. The grievance expressed by the petitioner is that inspite of the affidavit of undertaking that was filed before this Court agreeing to vacate and hand over the possession of the premises within a period of four months, the possession was not handed over. Thereafter, various notices were issued by the petitioner requesting the respondent to hand over the vacant possession of the property in line with the affidavit of undertaking that was filed before this Court, which was also recorded by this Court while disposing of EP No.13 of 2024 by order dated 07.03.2025. The respondent has not even responded to any of the notices and till date, the undertaking given



before this Court has not been complied with. It is under these circumstances, the present petition has been filed under Order XXI Rule 35 for issue of warrant to take delivery of the property.

6. In the considered view of this Court, it is not necessary for this Court to issue notice to the respondents since the respondents have violated the affidavit of undertaking that was filed before this Court and they did not even care to approach this Court seeking for any extension of time. Once the Court has acted upon an affidavit of undertaking and passed an order in the Execution petition, the respondents are duty bound to act upon the affidavit of undertaking and they should have handed over vacant possession of the property. There is nothing more to be heard from the side of the respondents and therefore, this Court is dispensing with the issuance of notice to the respondents.

7. In the light of the above discussion, a warrant for delivery is issued by this Court and there shall be a direction to take possession of the schedule mentioned properties and hand it over to the decree holders. If the situation so warrants, police protection can also be taken.



8. This Execution petition is disposed of in the above terms.

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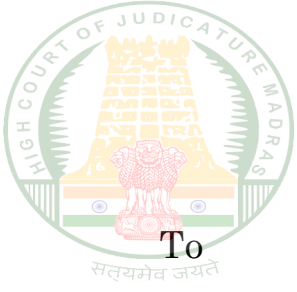
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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