



A.No.6520 of 2024  
in  
A.No.5875 of 2024  
in  
A.No.5694 of 2024  
in  
E.P.No.65 of 2024  
in  
A.No.162 of 2016  
in  
I.P.No.25 of 2014

**Dr.G.JAYACHANDRAN, J.**

**and**

**C.V.KARTHIKEYAN, J.**

A.No.6520 of 2024 filed by the Applicant / Judgment Debtor seeking extension of time for complying the order dated 13.11.2024 in A.No.5875 of 2024 and undertaking of the Applicant dated 14.11.2024.

2.K.E.Gnanavel Raja, who borrowed money from Arjunlal Sunderdas who later become insolvent, is the Judgment Debtor in the present Execution Petition. He is a film producer and the money have apparently been borrowed for his production process. When the Decree Holder proceeded for recovery of money as per the decree, the Judgment Debtor



had made all attempts to delay the process. However, on various occasions, part payment towards the decree amount was made after certain coercive steps like interim injunction restraining the Judgment Debtor from releasing the movie produced by him. After a long checkered history, when he was about to release two of the movies called “Thangalaan” and “Kanguva”, the Decree Holder moved this Court seeking for a restraint order.

3. On 12.08.2024, this Court passed the following order:

*“27. We would direct*

*(i) the second respondent to deposit a sum of Rs.1,00,00,000/- (Rupees One Crore only) to the credit of I.P.No.25 of 2014 on or before 14.08.2024, only on such compliance, the move, namely, “Thangalaan” can be released on the scheduled date. Any failure to make such deposit, would entitle an order of injunction to follow, restraining the second respondent or Studio Green Films Private Limited, which is only an alterego of the second respondent created to defraud the decree holder, from releasing the movie “Thangalaan”.*



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*(ii) the second respondent to deposit a sum of Rs.1,00,00,000/- (Rupees One Crore only) to the credit of I.P.No.25 of 2014. Only on such compliance, the movie, namely, “Kanguva” can be released on the scheduled date. Any failure to make such deposit, would entitle an order of injunction to follow, restraining the second respondent or Studio Green Films Private Limited, which is only an alterego of the second respondent created to defraud the decree holder, from releasing the movie “Kanguva”.*

4.The above order passed pursuant to undertaking given by the Judgment Debtor that he will deposit a sum of Rs.10,00,00,000/- to the credit of Insolvency Petition before the release of the movies.

5.When the matter was called on 14.08.2024, it was reported that a sum of Rs.1,00,00,000/- transferred to the account of the Official Assignee on 13.08.2024 and recording the same, the Judgment Debtor was permitted to release the movie titled “Thangalaan”.



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6. Thereafter, as observed by this Court, when the other movie by title “Kanguva” about to be released, the Decree Holder filed A.No.5694 of 2024 seeking direction to the Judgment Debtor to pay the entire decree amount of Rs.26,34,41,753/- before the release of the movie titled “Kanguva”. After considering the submissions made by the learned counsel for the Judgment Debtor and recording the history of the litigation, this Court modified the earlier order dated 12.08.2024 with directions to the Judgment Debtor to deposit a sum of Rs.20,00,00,000/- on or before midnight of 13.11.2024 enable him to release the movie titled “Kanguva” on the day next. This order was passed on 11.11.2024.

7. In the meanwhile, A.No.5875 of 2024 filed for modification of the order dated 11.11.2024 came up for consideration before this Court along with a proposal to settle the money claim in full and finally with the concession of depositing a sum of Rs.6,41,96,969/- on 12.11.2024 equating to the balance payable for principle of Rs.10,35,00,000/- and a further sum of Rs.3,75,00,000/- on or before 11.12.2024. This Court based on the affidavit filed on behalf of the Judgment Debtor passed the following order on 13.11.2024:



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*“3.After some deliberation, the Judgment Debtor / Applicant has come forward to pay a further sum of Rs.3,75,00,000/- (Rupees three crores seventy five lakhs only) on or before 11.12.2024 to settle the entire claim towards full quit and satisfaction for the decree. For the said purpose, he seeks for modification of the order permitting him to release the movie “Kanguva” tomorrow (i.e) 14.11.2024.*

*4.The applicant/judgment debtor also undertakes to file an affidavit to that effect by 14.11.2024 evening at 04.30 p.m.*

*5.In our considered view, for the sake of mobilizing the agreed amount to pay towards One Time Settlement, it is necessary to modify the order of this Court dated 11.11.2024 to the effect that the order of restrain to release the Movie “Kanguva” is vacated.”*

8.The above order was passed taking into account the payment of Rs.10,35,00,000/- made as on that date and the promise made to pay a sum of Rs.3,75,00,000/- within 11.12.2024.



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9. However, there is a complete breach and failure on the part of the Judgment Debtor in complying his undertaking given on oath which is extracted above.

10. A.No.6520 of 2024 filed seeking extension of time to deposit the money. This Court having found that the Applicant habitually breaches promise and the undertaking given to this Court, is not inclined to extend the time further, but adjourned the matter for further orders.

11. Today, when the matter is taken up for consideration, the learned counsel representing the Judgment Debtor expresses inability to comply the undertaking given by the Applicant by way of an affidavit. More than one month has passed from the date fixed for payment of balance amount in terms of the undertaking to pay Rs.3,75,00,000/- in full quit and satisfaction by way of a One Time Settlement.



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12. Therefore, the proposal of One Time Settlement is help to have  
lapsed. The concession given to the Judgment Debtor no more holds good.  
The Decree Holder shall proceed against the Judgment Debtor for recovery  
of balance amount as per the decree passed.

13. In the light of the above order, (i) A.No.6520 of 2024 is dismissed  
and (ii) A.No.5694 of 2024 is disposed of.

14. Post the Execution Petition for further orders on 12.02.2025.

**(G.J.,J.)      (C.V.K.,J.)**

24.01.2025

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**Dr.G.JAYACHANDRAN,J.**  
**and**  
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