



C.S.No.654 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.03.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S.No.654 of 2005

N.Krishnamoorthy

... Plaintiff

-VS-

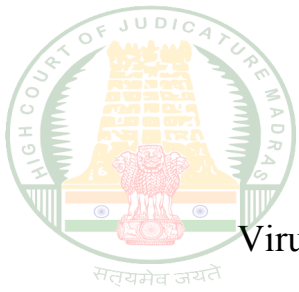
1.M/s.Movie Film Circuit,
Rep. By its Proprietrix Mrs.R.Saraswathy,
No.411, Vishala Street,
Coimbatore – 1.

2.M/s.Saraswathy Film Circuit,
Rep. By its Proprietrix Mrs.R.Saraswathy,
No.59, Amman Sannadhi Street,
Madurai – 625 001.

3.M/s.Nerrichand Jabak,
Rep. By its Managing Partner,
Mr.Vazeerchand Jabak,
No.124, Veerappan Street,
Chennai 600 001.

4.Mohana Bai
5.S.Jaganathan
6.M/s.Gemini Colour Laboratories,
No.2, Venbuli Amman Koil Street,

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Virugambakkam, Chennai 600 078.

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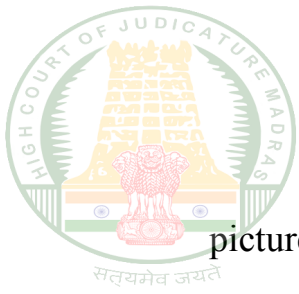
7. M/s. Vijaya Vahini Laboratories,
9-A, Kumaran Colony, Main Road,
Vadapalani, Chennai 600 026.

... Defendants

PRAYER: Civil Suit is filed under Order IV of Original Side Rules Read With Section 62 of the Indian Copy Right Act, praying to grant a judgment and decree on the following terms:-

(a) Declaration declaring that the plaintiff is the exclusive copyright holder of present and future commercial and non commercial rights of the schedule mentioned pictures, Exhibition, Distribution & Exploitation including Television and other Mechanism namely, Present Right of VHS, DVD, VCD, CD (both Audio and Video) including Satellite Television Rights both in 35 MM and 16 MM for throughout areas of Tamil Nadu (including Madras City & Chittoor District of Andhra Pradesh) entire Kerala and Karnataka States.

(b) Granting Permanent injunction restraining the defendants, their men, agents, servants or any one else claiming through or from the Defendants 1 to 5 from in any manner dealing with the schedule mentioned



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pictures present and future commercial and non commercial rights of Exhibition, Distribution & Exploitation including Television and other Mechanism namely, Present Right of VHS, DVD, VCD, CD (both Audio and Video) including Satellite Television Rights both in 35 MM and 16 MM for throughout areas of Tamil Nadu (including Madras City & Chittoor District of Andhra Pradesh) entire Kerala and Karnataka States.

(c) Directing the defendants 1 to 5 to pay the costs of the Suit to the Plaintiff.

For Plaintiff : Mr.P.Sreenivasulu

JUDGMENT

The suit is filed seeking a declaration that the plaintiff is the exclusive copyright holder in respect of the cinematographic films described in the schedule to the plaint along with all commercial and non-commercial rights relating to the exhibition, distribution and exploitation, including through television, DVD, VCD, etc., in Tamil Nadu, Kerala and Karnataka. A permanent injunction is also prayed for to restrain defendants 1 to 5 from



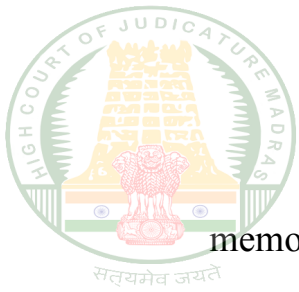
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dealing with the cinematographic films described in the schedule.

Defendants 1, 2, 4 to 7 were set *ex parte* on 28.03.2013. The third defendant was served through substituted service on 09.11.2009. The said defendant was also set *ex parte*.

2. The plaintiff examined himself as P.W.1. In course of the examination in chief of P.W.1, six documents were exhibited as Ex.P1 to P6. These documents include Exs.P3 and P4, which are original lease agreements dated 10.04.1981 executed by the first defendant in favour of the plaintiff. Ex.P3 is in respect of 53 cinematographic films and Ex.P4 is in respect of 33 cinematographic films. On examining the schedule to the plaint, these are the cinematographic films in respect of which the plaintiff seeks relief. The plaintiff has also exhibited two documents, namely, Exs.P5 and P6, under which the fifth defendant asserts a rival claim to the same movies. These documents are dated 21.09.2001, which is subsequent to the documents under which the plaintiff claims title.

3. At the hearing today, learned counsel for the plaintiff has filed a



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memo dated 01.03.2025. In the said memo, it is stated that the Proprietrix of defendants 1 and 2 died on 14.08.2002, without leaving behind any legal heirs. It is further stated that defendants 3 and 4 also died several years ago and that it is not possible for the plaintiff to obtain particulars of the legal representatives or heirs of the said defendants. In view thereof, the suit abates as against defendants 1 to 4.

4. Based on the evidence adduced by the plaintiff and in the absence of contra evidence on behalf of the fifth defendant, the plaintiff is entitled to a decree as against the said defendant.

5. As the partly successful party, the plaintiff is also entitled to costs from the fifth defendant in a sum of Rs.2,00,000/- towards Court fees, lawyer's fees and other expenses.

6. Therefore, the suit is decreed against the fifth defendant in terms of prayers (a) and (b) of paragraph 17 of the plaint. In addition, the fifth defendant is directed to pay a sum of Rs.2,00,000/- as costs to the plaintiff.



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The suit stands dismissed as abated against defendants 1 to 4.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

Plaintiff's Witness:

P.W.1 – N.Krishnamoorthy

Documents exhibited through P.W.1

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original lease agreement dated 22.09.1979 executed between 1 st defendant and 4 th defendant.
Ex.P2	Original lease agreement dated 22.09.1979 executed between 2 nd and 3 rd defendant.
Ex.P3	Original lease agreement dated 10.04.1981 between 1 st defendant and the plaintiff.
Ex.P4	Original lease agreement dated 10.04.1981 between 2 nd defendant and the plaintiff.
Ex.P5	Photocopy of the Lease agreement dated 21.09.2001 (for 33 movies)
Ex.P6	Photocopy of the Lease agreement dated 21.09.2001 (for 52 movies)

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