



WEB COPY

A No. 1708 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 1708 of 2026

in

C.S.No.9 of 2024

1. Mr.Mathana Kumar And Another
S/o Manoharan
Proprietor Of Mk Entertainment,
No.88, Block No.E-7,
Suriya Apartments, Kamarajar Salai,
Avm Nagar, Virugambakkam,
Chennai 92.
2. Mr.Sathish Prabhu
Executive Producer,
Mk Entertainment
No.88, Block No.E-7
Suriya Apartments, Kamarajar Salai,
Avm Nagar, Virugambakkam
Chennai 92

..Applicant(s)

Vs

M/s Tsr Films Private Limited
Rep By Its Authorized Signatory,
D.Teddy Joshua, S/o.Devasagayam Sydney,
No.2, Old No.29
Lake Area, First Cross Street,
Nungambakkam Chennai - 34.

..Respondent(s)

Prayer : Application filed under Order XIV Rule 8 read with Order IX Rule 7 of CPC to set aside the ex-parte order dated 03/07/2024 passed in C.S.No.9 of 2024 against the Applicants/Defendants and to permit the Applicants to file their Written Statement in the above suit.



For Applicant(s):

Mr..B. Mohan

For Respondent(s):

Mr.Dhanaram Ramachandran

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ORDER

This application has been filed by the applicants/defendants to set aside the order dated 03.07.2024 passed in C.S.No.9 of 2024 and to permit the applicants/defendants to file their written statement.

2. The suit has been filed by the respondent/plaintiff seeking injunction, mandatory injunction, public apology and damages of Rs.1,00,00,000/- alleging that the defendants made defamatory statements against the plaintiff in relation to the film “Tik Tok”.

3. The learned counsel appearing for the applicants/defendants submitted that the summons in the suit was served on the 1st applicant on 20.01.2024 and that the written statement could not be filed within the stipulated time. It is submitted that the dispute involves technical issues relating to film mastering, theatrical exhibition, reel configuration, digital content integrity and alleged omission of Reel No.4, and that the applicants had to collect relevant documents and obtain technical inputs for preparing an effective defence. The written statement has also filed by the 1st defendant

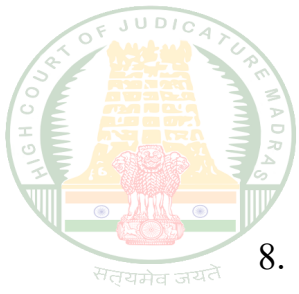


4. The learned counsel appearing for the respondent/plaintiff opposed the application by filing a counter affidavit. It is contended that the defendants had entered appearance through counsel, but failed to file their written statement within time. It is further contended that the plaintiff has already let in evidence before the learned Additional Master, marked Ex.P1 to Ex.P14 and M.O.1, closed plaintiff-side evidence, and that the present application has been filed only at the stage of arguments.

5. This Court has considered the submissions made on either side and perused the materials placed on record.

6. The records show that the summons was served on the defendants and that the defendants had entered appearance through counsel. The summons required the defendants to file their written statement within 42 days after service of summons. The vakalat filed on behalf of the defendants also shows that they had entered appearance in the suit.

7. By an order dated 03.07.2024, this Court recorded that the time for filing the written statement had long since expired and directed the matter to be listed before the learned Additional Master-I for recording evidence. The order also records that, taking recourse to Order V of the Original Side Rules, the Court deferred from setting the defendants ex parte.



8. There is considerable delay on the part of the applicants/defendants.

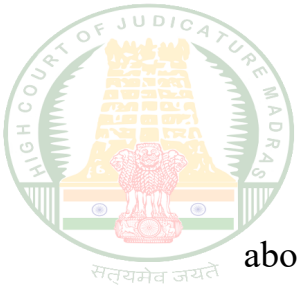
The application has been filed only on 23.02.2026, after the suit had substantially progressed.

9. However, having regard to the fact that the written statement has already been filed along with the present application, and considering that the dispute involves factual and technical issues which may require adjudication on merits, this Court is inclined to give one final opportunity to the applicants/defendants to contest the suit. At the same time, the delay and inconvenience caused to the respondent/plaintiff have to be compensated by imposing costs and by issuing strict directions for expeditious disposal.

10. Accordingly, A.No.1708 of 2026 is allowed on the following conditions:

i. The applicants/defendants shall pay a sum of Rs.10,000/- as costs to the respondent/plaintiff within a period of two weeks from the date of receipt of a copy of this order.

ii. The written statement filed along with this application shall be taken on file, subject to payment of the aforesaid costs and subject to Registry scrutiny/compliance of defects, if any.



iii. If the costs are not paid within the time stipulated above, this application shall stand dismissed automatically without further reference to this Court.

iv. The defendants shall complete the cross-examination on the date fixed by the learned Additional Master and shall not seek unnecessary adjournment.

11. Post the suit before the learned Additional Master-I for further proceedings.

08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

VRC

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