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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-08-2026

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE GK.MUTHUKUMAAR

OSA(CAD) Nos. 80 to 82 of 2025
and
CMP Nos. 18525, 30654, 30655, 30657 of 2025, 9248, 9263, 9286, 14784 of 2026

M/s.Evergreen Media P. Ltd.,
Represented by its Authorised Signatory
J.Anton Joel
11/19, Vengeeswarar Nagar First Main Road
Vadapalani, Chennai 600 026 — Appellant in OSA (CAD) Nos.80 to 82 of 2025

Vs

1. T.J.Ashok
   S/o.Jesupatham
   No.15/5, Kali Amman Koil 1st Street
   Thousand Light, Chennai 600 006

2. M/s.O.K.Films
   Represented by its Proprietrix Smt.K.Uma Rani
   having office at
   No.829, Anna Salai, Airlines Buildings
   Chennai 600 002

3. M/s.Ho Ho Films
   Represented by its Proprietrix Smt.K.Uma Rani
   having office at
   No.829, Anna Salai, Airlines Buildings
   Chennai 600 002

4. M/s.Ding Dong Bell Films
   Represented by its Proprietrix Smt.K.Uma Rani
   having office at
   No.829, Anna Salai, Airlines Buildings
   Chennai 600 002

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5. P.A.Art Productions rep.by its
Authorised Signatory P.AR.Subramaniam
No.24, Bhagirathi Ammal Street, T.Nagar
Chennai 600 017

6. John Doe/s @ Ashok Kumar/s
Address not known

7. M/s.AP International
Represented by its Partner Mr.Sanjay A Wadhwa
Old No.80, New No.42, New Avadi Road
Kilpauk, Chennai 600 010

8. M/s.Sreedevi Video Corporation
Represented by its Partner Mr.Ghanshyam Hemdev
No.5/3, Muktha Garden, Spurtank Road, Chetpet
Chennai 600 031

Respondents in OSA
(CAD) No.80 of 2025

1. M/s.O.K. Films
Rep by its Proprietrix Smt.K.Uma Rani
No.829, Anna Salai, Airlines Buildings
Chennai 600 002

2. M/s.Ho Ho Films
Represented by its Proprietrix Smt.K.Uma Rani
having office at No.829, Anna Salai
Airlines Buildings, Chennai 600 002

3. M/s.Ding Dong Bell Films
Represented by its Proprietrix Smt.K.Uma Rani
having office at No.829, Anna Salai
Airlines Buildings, Chennai 600 002

4. P.A.Art Productions
rep. by its Authorised Signatory P.AR.Subramaniam
No.24, Bhagirathi Ammal Street, T.Nagar
Chennai 600 017

5. John Doe/s @ Ashok Kumar/s
Address not known

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6. M/s.AP International
   Represented by its Partner Mr.Sanjay A Wadhwa
   Old No.80, New No.42, New Avadi Road, Kilpauk
   Chennai 600 010

7. M/s.Sreedevi Video Corporation
   Represented by its Partner Mr.Ghanshyam Hemdev
   No.5/3, Muktha Garden, Spurtank Road, Chetpet
   Chennai 600 031

8. Hice Telemedia Private Limited
   Represented by its Authorized Signatory Sivayogen AP
   33, 1st Floor, Tiny Sector
   Thiru-Vi-Ka Industrial Estate, Guindy
   Chennai 600 032

9. T.J.Ashok
   S/o Jesupatham
   No.15/5, Kalai Amman Koil 1st Street
   Thousand Light, Chennai 600 006

10. Wide Angle Media Pvt.Ltd.,
    Rep. by its Director, Mr.Aneesh Arjun Dev
    No.1401, DLH Park, S.V.Road, Gurgaon (W)
    Mumbai 400 062

Respondents in OSA
(CAD) No.81 of 2025

1. P.A.Art Productions
   Rep.by its Authorised Signatory P.AR.Subramaniam
   No.24, Bhagirathi Ammal Street, T.Nagar
   Chennai 600 017

2. M/s. O.K.Films
   Represented by its Proprietrix Smt.K.Uma Rani
   having office at No.829, Anna Salai
   Airlines Buildings, Chennai 600 002

3. M/s. Ho Ho Films
   Represented by its Proprietrix Smt.K.Uma Rani
   having office at No.829, Anna Salai
   Airlines Buildings, Chennai 600 002

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4. M/s. Ding Dong Bell Films
   Represented by its Proprietrix Smt.K.Uma Rani
   having office at No.829, Anna Salai
   Airlines Buildings, Chennai 600 002

5. John Doe/s @ Ashok Kumar/s
   Address not known

6. M/s AP International
   Rep.by its Partner Mr.Sanjay A Wadhwa
   Old No.80, New No.42, New Avadi Road, Kilpauk
   Chennai 600 010

7. M/s. Sreedevi Video Corporation
   Represented by its Partner Mr.Ghanshyam Hemdev
   No.5/3, Muktha Garden, Spurtank Road, Chetpet
   Chennai 600 031

8. T.J.Ashok
   S/o.Jesupatham
   No.15/5, Kali Amman Koil 1st Street
   Thousand Light, Chennai 600 006

Respondents in OSA
(CAD) No.82 of 2025

Memorandum of Grounds of Original Side Appeals under Section 13(1) of the Commercial Courts Act, 2015 read with Clause 15 of the Letters Patent, to set aside the common order dated 21.04.2025 passed in A.Nos.567, 568 of 2025 and O.A.No.173 of 2024 respectively, in C.S.(Comm.Div.)No.54 of 2024.

For Appellant : Mr.J.Srinivasan for
M/s.Rugan and Arya

For Respondents: Mr.M.V.Swaroop for R1
R2 to R4 & R6-Not ready in notice
Mr.S.Karthikei Balan for R5
Mr.R.Sathishkumar for R7
Mr.C.Ramesh for R8
in OSA(CAD) No.80 of 2025

Mr.S.Karthikei Balan for R4
Mr.T.R.Sundaram for R8
Mr.C.Ramesh for R7 and R10

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Mr.M.V.Swaroop for R9
Mr.R.Sathishkumar for R6
R1, R2, R3 & R5-Not ready in notice
in OSA(CAD) No.81 of 2025

Mr.S.Karthikei Balan for R1
Mr.C.Ramesh for R7
Mr.M.V.Swaroop for R8
Mr.R.Sathishkumar for R6
R2 to R4 & R5-Not ready in notice
in OSA (CAD) No.82 of 2025

COMMON JUDGMENT
(Judgment of the Court was made by P.Velmurugan J.)

These original side appeals are directed against the common order dated 21.04.2025 passed by the learned single Judge in A.Nos.567, 568 of 2025 and O.A.No.173 of 2024 respectively, in C.S.(Comm.Div.)No.54 of 2024.

2. The appellant is the plaintiff in C.S.(Comm.Div.)No.54 of 2024. The case of the appellant is that they are engaged in the business of cinematograph films such as distribution, exhibition and exploitation of cinematograph films in various platforms and under an agreement dated 19.03.2012 entered into with M/s O.K.Films, M/s Ho Ho Films and M/s Ding Dong Bell Films/Defendants 1 to 3, all the three being proprietary concerns of one Smt.K.Uma Rani, the exclusive copyrights in all formats across all platforms, including but not limited to mobile rights, digital rights, video copy rights, bluray rights and future visual formats, multimedia rights, OTT, internet rights, television, set top

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boxes, streaming over fiber, cable, wired and wireless networks, including but not limited to all types of hand held devices, exclusive IPTV rights, live streatming & downloadable rights and any other related and ancillary rights now in existence or to be invented in future, for a perpetual period commencing from the date of the said agreement, in respect of the 320 Tamil films listed in the Schedule to the plaint, were assigned to the appellant. The appellant claims that the defendants 1 to 3 had acquired the entire copyrights (negative rights) of the subject 320 films under various agreements, either directly from the producers and first owners or from such other third parties, who in turn had got such rights from the producers and first owners of the subject films. From the date of the agreement dated 19.03.2012, the appellant has been enjoying and exploiting the said rights as the exclusive copyright owner of such rights and the subject films were also being streamed at the behest of the appellant on various digital and online platforms including YouTube. While so, a claim was raised by the 4th defendant over 8 films mentioned in the schedule along with 2 other films as mentioned in the notice dated 05.09.2023, and objected to the appellant exploiting the rights over the said 10 films. The appellant asserts that the 4th defendant had already assigned all their rights i.e., the entire negative rights with respect to the 8 films to and in favour of certain persons, who in turn had assigned to the 1st defendant, as seen from the table of the 320 films given in the Schedule. The rights in respect of the other 2 films were directly assigned to the

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appellant by the 4th defendant and thus the appellant is the absolute copyright owner of the above said films assigned to them. In the same manner, there are several other unknown persons who are obstructing the appellant from freely exploiting their rights in and over the subject 320 films by making wrongful claims, infringing the copyright vested in the appellant. Even the digital platforms including YouTube simply stop the streaming of the appellant's films without giving the appellant an opportunity of being heard. Since the appellant, who has been enjoying such rights for many years now, is losing money on a daily basis from such sudden wrongful claims, the appellant was constrained to file the above suit seeking for permanent injunction against the respondents/defendants from infringing the appellant/plaintiff's copyright in and over the subject 320 films. Along with the suit, the appellant also filed O.A.No.173 of 2024 seeking for an order of interim injunction restraining the respondents/defendants from infringing the appellant/plaintiff's copyright in and over the subject 320 films. This Court vide order dated 05.03.2024 granted ex parte ad-interim injunction, which was subsequently extended from time to time. Thereafter, the 6th to 10th defendants were impleaded both in the suit and in the original application upon applying for the same.

3. In the above background, the 4th and 9th defendants filed A.Nos.567 and 568 of 2025 to vacate the order of interim injunction granted in O.A.No.173

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of 2024. The learned single Judge, upon perusing the documents and hearing the learned counsel appearing for the parties, by the common order dated 21.04.2025, vacated the interim order holding as follows:-

> 21. In this case, however, each defendant has placed on record documents under which the said defendant asserts copyright. The validity of documents filed by the plaintiff is contested by the defendants and vice versa. In this situation, without examining and determining the validity of the rival title claims, neither interlocutory nor final relief may be granted to the plaintiff. Indeed, it appears that there is a cloud over the plaintiff's title over the plaint schedule cinematographic films. As a corollary, it becomes necessary for the plaintiff to apply for and seek a declaration that the plaintiff is the owner of the copyright as a pre-requisite for the grant of relief in respect of alleged infringement. By recognising such necessity, the plaintiff has also filed an application, which is not numbered as on date, to amend the plaint so as to incorporate a prayer for declaration. This leads to the question whether the interim order is required to be discharged or varied.
>
> 22. As an interim arrangement, learned senior counsel for the plaintiff suggests that all parties be restrained from exercising rights pursuant to the respective agreements until final disposal of the suit, and that the trial and final disposal be expedited. Each defendant, however, is asserting that rights are being exploited over a considerable period of time. For instance, the 9th defendant asserts that such defendant exploited rights since the year 2016. In these circumstances, when the rival title

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claims have not been adjudicated, it would be inappropriate to restrain the rival claimants from continuing to exploit rights relating to the plaint schedule movies. The balance of convenience is, undoubtedly, not in favour of such a course of action.

23. As discussed above, multiple rival title claims have been asserted, including by persons who were not originally joined as parties by the plaintiff. The plaintiff opted to instead join John Doe/Ashok Kumar, and these third parties were impleaded upon application by them. Upon considering all of the aforesaid, the order of interim injunction is liable to be vacated.

24. For reasons set out above, O.A.No.173 of 2024 is dismissed and A.Nos.567 & 568 of 2025 are allowed by vacating the ad interim order dated 05.03.2024 without any order as to costs."

4. Aggrieved thereby, the appellant has filed the instant original side appeals before us.

5. The learned counsel appearing for the appellant would submit that when the appellant obtained the order of ex parte interim injunction after making out the prima facie case, balance of convenience and irreparable hardship caused to the appellant on account of the infringement done by the respondents, the learned single Judge, without considering the agreement

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entered into with the defendants 1 to 3 assigning the copyright as well the anterior documents under which the appellant had acquired title to the subject rights over all the 320 films and also keeping the A.No.1195 of 2025 filed under Order XI Rule 1 CPC to receive the said documents pending, has merely dismissed the interim injunction original application and allowed the applications filed by the defendants 4 & 9 by completely ignoring the three essential ingredients satisfied by the appellant, which warrants interference at the hands of this Court.

6. The learned counsels appearing for the respondents would submit that neither the assignors of the appellant have established their title nor the appellant has established its right as an assignee over the subject films and therefore the learned single Judge after hearing the contentions of the parties and considering the materials produced, has rightly dismissed the original application of the appellant. It was also brought to the notice of this Court that pending the suit, the appellant has filed an interlocutory application for amending the plaint prayer and the same is still pending. As on date, there is no document to show that the defendants 1 to 3 have acquired title over the subject films and therefore the appellant, by way of assignment, cannot claim a better title.When the alleged assignors themselves are not having any title, they cannot convey a better title to the assignee viz., the appellant over the subject films.

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Therefore, there is no merit in the original side appeals and they are liable to be dismissed.

7. We have considered the submissions and perused the materials available on record.

8. Admittedly, the appellant filed the suit in C.S.(Comm.Div.) No.54 of 2024 seeking for a judgment and decree of permanent injunction and pending the suit, the appellant filed O.A.No.173 of 2024 for the grant of ad-interim injunction against the respondents' alleged copyright infringement in respect of 320 cinematographic films. It is also admitted that originally five defendants were impleaded and upon service of notice on the impleaded parties, five third parties were impleaded pursuant to applications filed by the said parties including the 9th defendant, who asserts that the plaintiff chose not to implead the said defendant in spite of being aware of the rival claim of the said defendant. Though initially an order of ad-interim injunction was granted, the defendants 4 & 9, upon entering appearance, filed A.Nos.567 & 568 of 2025 seeking to vacate the interim order. As could be seen from the records, though the appellant is claiming exclusive copyright as an assignee under the tripartite agreement entered with the defendants 1 to 3/assignors in respect of the subject films, the respondents are denying the validity of the very title and the rights of

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the assignors with rival documents produced from their side.

9. It is a well settled legal principle that while considering an application filed by the appellant under Order XXXIX, Rule 1 of CPC for an order of interim injunction, the Court has to only see the prima facie case, balance of convenience and the irreparable hardship put forth/caused to the applicant from the averments made in the affidavit or otherwise and if any one of the three cardinal ingredients are not made out, the applicant is not entitled for the interim relief, as the Court cannot go into the other records which are not available before it. As pointed out already, the appellant claims to be the assignee of the copyright under the tripartite agreement entered with the defendants 1 to 3/assignors in respect of the subject films. However, the appellant should first make out a prima facie case to establish/trace the title of the assignors to convey the same under the document and only then, the appellant can claim a better right as an assignee of the copyright. Prima facie, when the assignors themselves could not establish their title, they cannot convey any better title to the appellant under the so-called assignment. As observed by the learned single Judge, each respondent has placed on record documents under which the said respondent asserts copyright and the validity of documents filed by the appellant is contested by the respondents and vice versa. When there appears to be a cloud over the appellant's title over the plaint schedule cinematographic

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films, the appellant has now filed an application to amend the plaint prayer to incorporate the relief of declaration and the same is still pending. Therefore, the rights of the appellant can be decided only during trial after completion of pleadings and recording of evidence. This Court, considering the entire facts and circumstances, is of the view that the appellant has not established a prima facie case as to the title of the assignors so as to claim a better title as an assignee, for continuance of the interim order.

10. In the light of the above, this Court does not find any ground made out by the appellant to interfere with the impugned order. Accordingly, the original side appeals are dismissed. Needless to mention that the learned single Judge shall proceed further with the trial of the suit on merits and in accordance with law without being influenced by the observations made in this judgment, which are only against the disposal of the interlocutory applications by the impugned order. Consequently, the interim order stands vacated and all the connected CMPs are also dismissed. Considering the facts and circumstances, there shall be no order as to costs.

(P.VELMURUGAN J.) (GK.MUTHUKUMAAR J.)
31-08-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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AND
GK.MUTHUKUMAAR J.

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