

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3188-3190 OF 2009

((@SPECIAL LEAVE PETITION (CIVIL)NO.10234-10236 OF 2009))

M/S.GEETHA ARTS

Appellant(s)

VERSUS

A.CHANDRASEKARAN & ORS.

Respondent(s)

ORDER

Application for exemption from filing O.T. granted.

Leave granted. Heard both sides.

2. The appellant herein is challenging the common order passed in Miscellaneous Petitions i.e. 1 & 2 of 2009 in O.S.A.442 of 2009 and Misc.Petition 1 of 2009 in O.S.A.443 to 445 of 2008 by the Division Bench of the High Court of Judicature at Madras. One of the Defendant is appellant before this Court. There was a contract between the appellant and the plaintiffs. There were various disputes regarding the nature of the contract. The appellant wanted to release the film “Gajini” (Hindi version) which was objected to by the respondents. On 23.12.2008, an interim injunction releasing the picture in question was passed by the learned Single Judge on the Original Side of the High Court. This order was challenged before the Division Bench of the High Court which, on 24.12.2008, suspended the order of the learned Single Judge dated 23.12.2008 subject to

the condition that the appellant should deposit a sum of Rs.5 crores to the credit of the O.S.Appeals. It was brought to our notice that the said amount was deposited and the film has already been released. Thereafter, applications were filed for direction to withdraw the deposited amount. By the impugned order of the Division Bench, the earlier order was varied and the sum of Rs.5 crores, which is deposited by the appellant, is directed to be released to the First Respondent i.e. A.Chandrasekaran, Proprietor Saravana Creations, subject to the furnishing of a Bank Guarantee for the said amount in the name of Registrar General, High Court of Madras, to the credit of the O.S.Appeals. The said order is under challenge in these appeals.

3. It is pointed out by learned senior counsel for the appellants that there is no decree in favour of the plaintiff and order granting permission to withdraw the amount of Rs.5 crores cannot be sustained. However, learned senior counsel for the Plaintiff has pointed out that the Defendants, by releasing the film, have acquired huge profits and the Plaintiff is entitled to get the money deposited.

4. It is to be noted and as rightly pointed out, that as on date there is no decree in favour of the Plaintiff. In the above circumstances, we direct that the sum of Rs.5 crores, deposited by the appellant herein, be kept with the Registrar General of the Madras High Court and be invested in an interest bearing Fixed Deposit in a nationalised Bank for a

reasonable period. We request the Division Bench of the High Court to dispose of the O.S.Appeals at an early date. The disbursal of the deposited amount would be subject to the result therein.

5. Parties are at liberty to raise all their contentions before the Division Bench of the High Court.

6. Appeals are disposed of accordingly. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(P. SATHASIVAM)

.....J.
(Dr.MUKUNDAKAM

SHARMA)

NEW DELHI;
4TH MAY, 2009.

