

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 58560/2024

[Arising out of impugned judgment and order dated 13-12-2024 in CMP No. 28141/2024 passed by the High Court of Judicature at Madras]

V SHRINIVASAN

Petitioner(s)

VERSUS

THG PUBLISHING PRIVATE LIMITED & ORS.

Respondent(s)

(IA No.292119/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.292118/2024-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 16-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)

Mr. N. Venkataraman, Sr. Adv.
Mr. Namit Saxena, AOR
Mr. Shyam Gopal, Adv.
Mr. Shivam Raghuwanshi, Adv.
Mr. Awnish Maithani, Adv.

For Respondent(s)

Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Harpriya Padmanabhan, Sr. Adv.
Ms. Pooja Dhar, AOR
Mr. G. Gokul, Adv.
Ms. Trisha Chandran, Adv.
Mr. Tushar Srivastava, Adv.
Ms. Shreya Nair, Adv.

Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Harish Vaidyanathan, Sr. Adv.
Mr. V. Shyamohan, Adv.
Mr. K. Surendar, Adv.
Mr. Abir Phukan, Adv.
Ms. Anshika Bajpai, Adv.

Mr. Suhriith Parthasarathy, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. I.A. No. 292118 of 2024 is disposed of, as the petitioner has filed the copy of the impugned order.

2. Heard Mr. N. Venkataraman, learned senior counsel appearing for the petitioner. Also heard Mr. Gopal Sankaranarayanan and Ms. Harpriya Padmanabhan, learned senior counsel appearing for respondent Nos. 1 and 2. Mr. C.S. Vaidyanathan, learned senior counsel appears for respondent No. 3 (Music Academy). Mr. Suhrith Parthasarathy, learned counsel appears for respondent No. 4.

3. The matter pertains to the Civil Suit No. 194 of 2024 filed by the petitioner before the High Court of Judicature at Madras where an ad-interim injunction was sought for restraining the defendant Nos.1 and 3 from conferring the "*Sangita Kalanidhi M.S Subbulakshmi Award*" on the fourth defendant, in its 98th Annual Conference in December, 2024. The defendants have filed their respective responses to the injunction application and eventually the learned Judge on 19.11.2024 had passed the following order:

"44. For the relief of interim injunction, the petitioner/plaintiff had made out a *prima facie* case. The balance of convenience is in favour of the petitioner/plaintiff. If the award in the name of M.S. Subbulakshmi is given away, pending disposal of the suit, the petitioner/plaintiff will be put to irreparable loss and sufferings. Hence, till the disposal of the suit, the first and the third respondents are restrained from conferring the "*Sangita Kalanidhi M.S. Subbulakshmi Award*" to the fourth respondent or any other person.

45. It is made clear, this order shall not restrain or forebear the first respondent conferring the '*Sangita Kalanidhi*' title - for the year 2024 on T.M. Krishna or the third respondent distributing the mirror Award carrying cash prize of Rs.1,00,000/- to T.M. Krishna, without using the name "M.S. Subbulakshmi" in any form. In other words, the decision of the First Respondent to confer the '*Sangita Kalanidhi*' title on T.M. Krishna or giving cash prize of Rs.1,00,000/- to T.M. Krishna

recognizing his achievement in the field of Carnatic Music, are not restrained."

4. The Court had however dismissed the application filed by the defendant No. 1 under Order 7 Rule 11 CPC.

5. The Music Academy filed the OSA No. 235 of 2024 assailing the order dated 19.11.2024 in A. No. 5746 of 2024 and the defendant Nos. 2 and 3 filed the OSA No. 236 of 2024 challenging the temporary injunction ordered in OA No. 602 of 2024. On those the Division Bench passed the impugned order dated 13.12.2024. The Court observed that the plaintiff cannot plead a legal injury through conferment of the Award. It also noted the legal consequences of granting the interim injunction. Observation was made that every Award in the name of Dr. M.S. Subbulakshmi or in her memory is only to remember the great singer, who is one of the icons of Karnataka music. It was further noted that the Suit is not filed by the plaintiff in a representative capacity and other legal heirs of late Dr. M.S. Subbulakshmi had not joined in filing the Suit. Also, there could be some personal grudge of the plaintiff against the fourth defendant. With such observation, the Court opined that no enforceable legal right is noticed in favour of the plaintiff. In consequence, the application i.e., OSA No. 236 of 2024 filed by the defendant Nos. 2 and 3 against the order of injunction was allowed and the order granting the interim injunction in the OSA No.602 of 2024, was set aside.

6. The above order was passed on 13.12.2024 and immediately the present Special Leave Petition was filed on the same day. But it is posted for consideration only today.

7. In the meantime, we are informed that the Award ceremony had taken place on the evening of 15.12.2024 and the "*Sangita Kalanidhi M.S Subbulakshmi Award*" instituted by the Hindu group was awarded by the Music Academy, in favour of defendant No.4.

8. While arguments have been advanced by all the contesting parties in the Suit through their respective counsel, the Court is mindful of the huge respect and honour that Dr. M.S. Subbulakshmi commands amongst the music lovers spread across all spectrum. She is one of the most distinguished singers and although she passed away in December, 2004, her mellifluous voice continues to bring great joy to all her fans.

9. The write-ups and the comments made by the defendant No. 4 in describing the singer are his way of conveying his respect for the singer. But the plaintiff certainly feels that the words used by the defendant No. 4 were, to say the least, not in good taste. This is the key bone of contention amongst the feuding parties. It also has to be kept in mind that the civil suit itself is pending adjudication before the Madras High Court.

10. Issue notice, returnable in six weeks. Formal notice need not be issued as all parties are represented.

11. In the meantime, as the Award is already given over on 15.12.2024, as an interim measure, we deem it appropriate to say that the defendant No. 4 (T.M. Krishna) should not be recognized as the recipient of the "*Sangita Kalanidhi M.S Subbulakshmi Award*". He is also restrained from projecting himself as the recipient of the "*Sangita Kalanidhi M.S Subbulakshmi Award*".

12. Even while passing the above interim order, we need to observe that the Music Academy has a glorious legacy and their contribution in the field of music is universally recognized. Same is also the reputation of The Hindu Group, who have sponsored the Award. They, too, enjoy great recognition of their media presence. This interim order should not therefore be seen as a reflection on either the Music Academy or the Hindu group of Publication. Our interim order should also not be construed as any adverse comments on the defendant No. 4 and his stature as a carnatic musician.

13. The petitioner is at liberty to amend the Special Leave Petition within two weeks. The respondents, if they wish to file any response or additional documents, may do so within four weeks thereafter.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)