

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on
12.11.2025

Pronounced on
12.12.2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

**A No. 2025 of 2025
in
C.S(COMM DIV) No. 40 of 2025**

Palanivel Dhaksnamoorthy
S/o.Late R.Palaniandaver
G-115 Spencer Plaza, 2nd Space
Ground Floor, Mount Road
Chennai 600 002

Applicant(s)

Vs

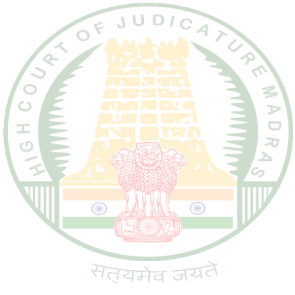
1. Raj Television Network Limited
Represented by Authorised Signatory
Mr.Manimaran S
Having office at No.32,
Poes Road, 2nd Street, Chennai 600 018

2.YouTube
Google LLC, Unit No.26,
the Executive Centre,
Level 8, DLF Centre, Sanad Marg,
Connaught Place, New Delhi 110 001.

Respondent(s)

PRAYER

Application filed under Order XIV Rule 8 of O.S.Rules r/w. Order XXXIX Rule 4 of the Code of Civil Procedure, 1908, to vacate the order of injunction dated 31.01.2025 passed by this Court in O.A.No.94 of 2025 in C.S.(Comm.Div) No.40 of 2025.



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For Applicant: Mr.G.R.Hari

For Respondent: Mr.Vijayan Subramanian (for R1)

ORDER

This Application has been filed to vacate the order of injunction dated 31.01.2025 passed by this Court in O.A.No.94 of 2025 in C.S.(Comm.Div) No.40 of 2025.

2.The case of the Applicant is as follows:

2.1.The Applicant, who is the 1st defendant in the Suit, owns four YouTube channels viz., “Tamil Blockbuster,” “Blockbuster Movies,” “B4K Music,” and “Bravo HD Movies.” He has filed this application to vacate the interim injunction already granted by this Court on 31.01.2025 in O.A. No.94 of 2025 in C.S.(Comm. Div.) No.40 of 2025.

2.2.The 1st Respondent/Plaintiff claimed that it owns exclusive copyright, including digital rights, over three old films viz., *16 Vayathinile*, *Kalangarai Vilakkam* and *Kudiyirundha Kovil*. When those films were streamed on the Applicant/1st defendant’s YouTube channels, the 1st Respondent/Plaintiff sent notices. The Applicant/1st defendant responded to each notice stating that he had written permission from the original copyright owners, which include permissions from SRS Films on behalf of Mr.S.A.Rajakannu for *16 Vayathinile* and permissions from Mrs.Shanthi Saravanan of Saravana Films for *Kalangarai Vilakkam & Kudiyirundha Kovil*. After these responses, YouTube reinstated the

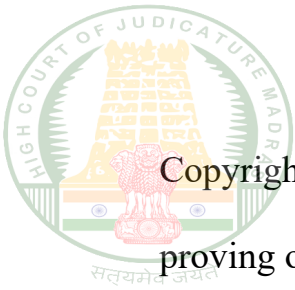


videos. After eight months, the 1st Respondent/Plaintiff approached the Court and obtained an order of interim injunction, due to which the Applicant's channel content was removed on 03.02.2025.

2.3.The impugned order dated 31.01.2025 was an ex parte order. The 1st Respondent/Plaintiff has no valid copyright over the films. The agreements relied upon by the 1st Respondent/Plaintiff dated 10.06.1999 and 23.03.2000 were signed with a firm viz., O.K.Films, represented by Mr.R.V.Mani. However, this firm was not the original copyright owner. The 1st Respondent/Plaintiff has not explained how O.K.Films acquired the rights in the first place. Without proving this essential detail, the 1st Respondent/Plaintiff cannot claim ownership or copyright over the films.

2.4.For the film *16 Vayathinile*, the 1st Respondent/Plaintiff relies on an agreement dated 10.01.1993. However, that agreement is actually between Sree Amman Creation and Raj Video Vision and not Raj Television Network Limited, who is the Plaintiff in the Suit. Raj Video Vision and Raj Television Network are different entities, established in different years and operating in different business activities. Even their addresses differ from what has been shown in the Complaint. This raises serious doubts about the authenticity of the agreement and shows that the 1st Respondent/Plaintiff has misrepresented the facts in order to claim rights.

2.5.The 1st Respondent/Plaintiff cannot rely on Section 55 of the



Copyright Act, as they failed to show valid copyright ownership. Without proving ownership, they cannot claim infringement.

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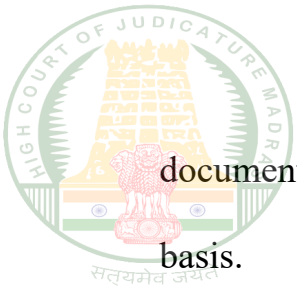
2.6. This Court does not have jurisdiction under the Commercial Courts Act, 2015, as the Plaintiff has valued the suit only for Rs.4,000/-. For the cases concerning intangible rights, the law requires a minimum value of Rs.3,00,000/-. Thus, the suit itself is not maintainable before the Commercial Division.

2.7. The Applicant has a strong prima facie case. The balance of convenience is also in his favour because he has already removed all the videos and keeping the injunction in force will cause him irreparable loss, while the 1st Respondent will suffer no prejudice if the injunction is vacated.

3. The case of the 1st Respondent is as follows:

3.1. The 1st Respondent, who is the Plaintiff in the suit claims that he acquired rights from an “original copyright owner”. The 1st Respondent/Plaintiff had clearly explained in the plaint that it acquired rights from the respective producers of the films or from subsequent copyright holders.

3.2. While the Applicant/1st Defendant claims that he has provided “proper responses” to YouTube’s removal notices, those responses simply consist of bare assertions of having rights, without attaching a single supporting



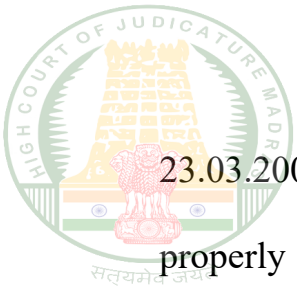
document. Thus, the Applicant/1st Defendant's has taken a stand without any basis.

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3.3.The Raj Television Network Limited acquired rights from Raj Video Vision. Both entities share the same directors viz., Mr.Raajhendhran M, Mr.Ravindran, Mr.Rajarathinam and Mr.Reghunathan, which confirms the continuity of rights and a clear, unbroken chain of title.

3.4.Regarding the film "*16 Vayathinile*", the Applicant/1st Defendant has claimed that he has written permission from SRS Films, acting on behalf of Mr.S.A.Rajakannu of Sri Amman Creations, and relies on Document Nos.1 to 4. However, these documents deal only with overseas rights and they do not grant any rights within India. Schedule B of Document No.2 states that the rights are for the entire world except India and Sri Lanka. Therefore, these agreements cannot be relied upon by the Applicant/1st Defendant to claim right to stream the film in YouTube within India. Thus, no rights within India were ever conveyed through these documents. This makes his entire claim over *16 Vayathinile* as unsustainable in both fact and law.

3.5.Regarding the Films "Kalangarai Vilakkam" and "Kudiyirundha Koil", the Applicant/1st Defendant claimed that he has written permission from Mrs.Shanthi Saravanan for these two films and relied on Document Nos.6 & 8. However, Raj Television Network Limited acquired rights over these films long ago through two agreements with M/s.O.K.Films dated 10.06.1999 and

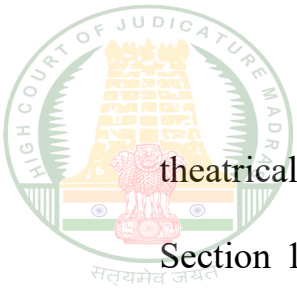


23.03.2000, which are earlier in time. The O.K.Films had acquired the rights properly from the producers and legal heirs through agreements dated 08.01.1997 and 12.05.1997. Lab letters from AVM Laboratory Service dated 24.01.1997 and from Saravana Screens dated 28.11.1998, confirm that rights had been assigned to O.K.Films. Thereafter, O.K.Films assigned the rights legally to the 1st Respondent/Plaintiff through the agreements dated 10.06.1999 & 23.03.2000. Since Mrs.Shanthi Saravanan had already assigned the rights in the year 1997 to O.K.Films, she had no rights to assign it again on 01.06.2018 to the Applicant/1st Defendant.

3.6.The specific proviso in Section 18 of the Copyright Act, 1957 which the Applicant/1st Defendant relies on was introduced only in the year 2012. All the 1st Respondent/Plaintiff's assignment agreements were made before the year 2012 and the amendment operates only prospectively and not retrospectively. Since the 1st Respondent/Plaintiff has acquired the rights before the year 2012, they naturally extend to all technological modes of exploitation introduced thereafter, including digital platforms and streaming.

4.Heard the learned counsel for the Applicant and the learned counsel for the 1st respondent and perused the available records.

5.The learned counsel for the Applicant/1st Defendant contended that even the rights mentioned in the agreement dated 10.01.1993, do not include “streaming rights”. Streaming is different from broadcasting, telecasting or

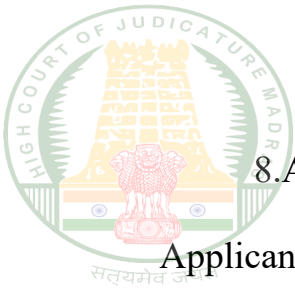


theatrical exhibition, because it works on one to one, on demand digital system.

Section 18 of the Copyright Act clearly contemplates that rights conferred by assignment of copyright for a mode of exploitation that did not exist at the time of the agreement is not available unless the assignment specifically referred to such mode of exploitation of work ie., streaming rights in the present case. Since streaming did not exist in 1993 and is not mentioned in the agreement, no streaming rights could have been assigned in favour of the 1st Respondent/Plaintiff. Therefore, the 1st Respondent/Plaintiff cannot claim rights, which it never possessed.

6.The learned counsel for the 1st Respondent/Plaintiff contended that when the technology was not available on the date when the agreement was entered between the plaintiff and the copyright owners with regard to exploitation of the film, the claim made by the applicant/1st Defendant that the 1st Respondent/Plaintiff did not acquire streaming rights cannot be countenanced in law.

7.The learned counsel contended that Applicant/1st Defendant claims to possess written permissions from SRS Films and Mrs.Shanthi Saravanan. However, those documents, cover only *overseas rights* for *16 Vayathinile*, exclude India & Srilanka and the said agreement is made subsequent to transfer of rights in favour of O.K.Films. Thus, the Applicant/1st Defendant has not shown any credible material to have acquired right over the films in India.

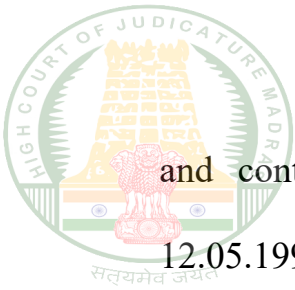


8. According to the learned counsel for the 1st Respondent/Plaintiff, the Applicant/1st Defendant's contention that this Court lacks jurisdiction under the Commercial Courts Act, 2015 is also untenable. The suit concerns infringement of copyright falling within the definition of a "commercial dispute" under Section 2(1)(c) of the Commercial Courts Act, 2015. The valuation in the plaint does not defeat jurisdiction once the subject matter itself is commercial in nature.

9. The learned counsel further contended that the 1st Respondent/Plaintiff has placed earlier assignments establishing a prima facie case of ownership. The balance of convenience lies in favour of the 1st Respondent/Plaintiff who seeks to protect copyrighted works from unauthorised digital exploitation. If the injunction is vacated, there is a chance of continued infringement, causing irreparable loss to the 1st Respondent/Plaintiff.

10. It is to be noted that the agreement signed by Mrs. Shanthi Saravanan in favour of the Applicant/1st Defendant is of no value in the eye of law as it has not stated anything about the other legal heirs of the copyright owners. The genuineness of the said agreement cannot be examined at this stage.

11. The primary contention raised by the Applicant/1st Defendant is that the 1st Respondent/Plaintiff has not established valid copyright over the three films viz., *16 Vayathinile*, *Kalangarai Vilakkam* and *Kudiyirundha Koil*. However, the documents relied on by the 1st Respondent/Plaintiff show a clear

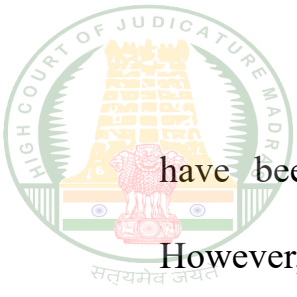


and continuous chain of title. As per agreements dated 08.01.1997 & 12.05.1997 and laboratory letters dated 24.01.1997 & 28.11.1998, the 1st Respondent/Plaintiff has acquired rights over the films.

12.As pointed out by the 1st Respondent/Plaintiff, with regard to the films *Kalangarai Vilakkam* and *Kudiyirundha Koil*, the rights were assigned by the producers/legal heirs to O.K.Films in the year 1997. The O.K.Films, subsequently assigned the said rights to the 1st Respondent/Plaintiff by way of agreements dated 10.06.1999 and 23.03.2000, which are much earlier in time than the documents relied upon by the Applicant/1st defendant. When the rights have already been assigned in the year 1997 in favour of O.K.Films, Mrs.Shanthi Saravanan could not have reassigned them in the year 2018 in favour of the Applicant/1st Defendant. Therefore, the 1st Respondent/Plaintiff has prima facie established the rights conferred upon itself in respect of above said films.

13.With regard to the film *16 Vayathinile*, the 1st Respondent/Plaintiff relies on an agreement of 10.01.1993 between Sree Amman Creation and Raj Video Vision. The 1st Respondent/Plaintiff has produced materials showing connectivity between Raj Video Vision and Raj Television Network Limited by claiming that both entities have common Directors and a history of succession of rights.

14.The Applicant/1st Defendant contended that streaming rights could not



have been assigned under agreements dated 10.06.1999 and 23.03.2000.

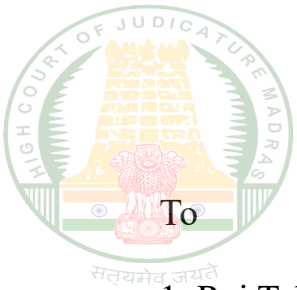
However, the proviso to in Section 18 of the Copyright Act was introduced only in 2012 and the same is prospective. The Plaintiff's assignments were executed well before 2012. Under the law prevailing prior to the amendment, an assignment of broad exploitation rights was understood to be inclusive of future modes of communication to the public unless expressly excluded. Hence, according to the 1st Respondent/Plaintiff, their rights extend to digital transmission and streaming. The said claim can be decided by this Court only after trial.

15. In view of the above, the vacate stay application filed by the Applicant is hereby dismissed, with cost of Rs.1,00,000/- (Rupees one lakh only) on the Applicant, the said amount shall be paid to the Tamil Nadu State Legal Services Authority and the order of injunction dated 31.01.2025 passed by this Court in O.A.No.94 of 2025 in C.S.(Comm.Div) No.40 of 2025 is hereby made absolute.

12.12.2025
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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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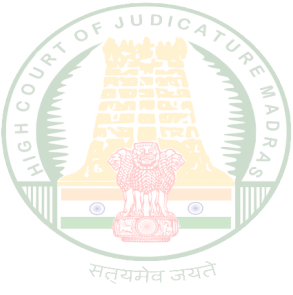
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N.SENTHILKUMAR J.
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