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O.A.No.889 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

O.A.No.889 of 2025

in

C.S.(Comm.Div).No.226 of 2025

Dr.Ilaiyaraaja
New No 2C Old No 38 Murugesan Street,
T.Nagar, Chennai

...Petitioner

Vs.

Mythri Movie Makers
Represented by: Naveen Yemeni,
Yalamanchili Ravi Shankar,
Plot No.58, 3rd Floor, Road No.72,
Aswini Layout, Journalist Colony,
Jubilee Hills, Hyderabad, Telangana 500 033.

...Respondent

For Applicant : Mr.A.Saravanan

ORDER

The present original application is filed for an order of interim injunction restraining the respondent/defendant from exhibiting, screening, selling, distributing, publishing, broadcasting, communicating to the public



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by any means, including but not limited to online streaming on any digital platforms, digital communication by any mode or medium, or in any other way the movie "Good Bad Ugly" together with the musical works of the plaintiff, namely "Otha Rubayum Tharen", "Ilamai Idho Idho" and "En Jodi Manja Kuruvi", pending disposal of the above suit.

2. The applicant herein is the plaintiff in C.S.(Comm.Div).No.226 of 2025. He has filed the suit for permanent injunction and for other reliefs. The case of the applicant is that he is a renowned music director, an eminent Indian creator, music composer, conductor, arranger, lyricist, and playback singer.

3. The applicant's contributions are integral to the story of Indian musical artistry, not only within the Tamil, South Indian, Indian film and music industry but also on the world stage, with a legacy defined by numerous, impeccable and unparalleled records.

4. According to the applicant, his song titled "Rakkamma Kaiya Thattu" which is one of the popular song from the movie "Thalapathi" was



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released in the year 1991. The said song is the fourth most popular song of all times. He has further stated that he is being called as “Isaignani” and is revered as “Maestro” of music.

5. The main contention in the injunction application is that the defendant in his movie “Good Bad Ugly” has used the applicant's songs without obtaining any rights from him. The three songs of the applicant viz., (i)“Otha Rubayum Tharen” from the Tamil movie “Nattupura Pattu”, (ii)“Ilamai Idho Idho” from the Tamil movie “Sakalakala Vallavan” and (iii)“En Jodi Manja Kuruvi” from the Tamil movie “Vikram” have been used without any rights. A legal notice was issued by the applicant to the defendant on 11.04.2025. The applicant while issuing the said notice has called upon the respondent/defendant to:

(i) pay a sum of Rs.5,00,00,000/- (Rupees Five Crores Only) towards unpaid royalties, damages, and legal costs;

(ii) immediately cease and desist from further use, distribution or communication of our client's works;

(iii) remove the altered versions of the songs “Otha Rubayum Tharen” from the Tamil movie “Nattupura Pattu”, the song “Ilamai Idho Idho” from the Tamil movie



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“Sakalakala Vallavan” and “En Jodi Manja Kuruvi” from the Tamil movie “Vikram” in all platforms where they are published or performed;

(iv) tender an unconditional written apology to our client for the unauthorized use and alteration of his musical works:

(v) provide a detailed account of revenue earned from the commercial exploitation of the said works across all platforms.

(vi) details of the persons/entities and amount(s) if any paid to any other party/person as a royalty or license fee if any paid for using his works.

6. Paragraph Nos.2 and 3 of the legal notice issued by the applicant dated 11.04.2025 are extracted hereunder:

“2.It has come to our Client's knowledge that his original creations/musical works namely the song “Otha Rubayum Tharen” from the Tamil movie “Nattupura Pattu” song “Ilamai Idho Idho” from the Tamil movie “Sakalakala Vallavan” and “En Jodi Manja Kuruvi” from the Tamil movie “Vikram” have been used, altered, and commercially exploited in your cinematograph film titled “Good Bad Ugly” without obtaining express consent/permission of our Client and/or his authorization, and without payment of royalties that he is statutorily entitled to. Such actions constitute unauthorized use,



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appropriation and a clear infringement of our Client's copyright and moral rights. You may also please take note that he has never accorded any permission or consent, either express or implied, for using/altering/distorting/changing the form of the musical work that has been used in the cinematograph "Good Bad Ugly".

3.Our Client being the creator, author and original owner of all of his works, is holding all the moral and legal rights over his works."

7. The defendant by way of reply notice dated 28.04.2025, has stated that they have obtained the licence agreement from the lawful owners/rights holders of the said songs forming part of the said films. In the reply to the legal notice issued by the applicant, the defendant has stated as under:-

"3.Our client is the producer of the Tamil language cinematographic film "Good Bad Ugly" starring Ajith Kumar, Trisha Krishnan, Arjun Das & others ("our Client's Film). Vide the said Notice, your client has purportedly alleged that his original creations/musical works viz:(i)song named "Otha Rubayum Tharen" from Tamil language cinematographic film "Nattupura Pattu"; (ii) song name "Ilamai Idho Idho" from Tamil language cinematographic film "Sakalakala Vallavan" and (iii)



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song named “En Jodi Manja Kuruvi” from Tamil language cinematographic film “Vikram” (“Otha Rubayum Tharen”, Ilamai Idho Idho” and “En Jodi Manja Kuruvi” shall be hereinafter collectively be referred to as the “said songs” and “Nattupura Pattu”, “Sakalakala Vallavan” and “Vikram” shall be hereinafter collectively be referred to as the “said Films”) have been used, altered and commercially exploited in our Client's Film without obtaining express consent/permission of your client and/or your client's authorization, and without payment of royalties that your client is purportedly entitled to. Our client vehemently denies all the purported contentions of your client and further states that our Client is not required to take any consent and/or permission and/or authorization of your client for utilizing, altering and/ or commercially exploiting the said Songs in our Client's Film.

4.Our Client states that, they have entered into various license agreements with the lawful owners/rightholders of the said songs forming part of the said Films, wherein, our Client has acquired right inter alia to use, synchronize, adapt, recreate, alter, exhibit, transmit, reproduce and exploit the said Songs/part of the said Songs in our Client's Film and all the underlying works of the said Songs/part of the said Songs (“said Rights”) for the territory of entire world and in perpetuity, in lieu of good and valuable consideration. Our Client states that, the aforesaid license acquired by our Client



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from the respective rights holders of the said Songs forming part of the said Films are legally valid, binding and subsisting and accordingly, our Client is legally entitled to utilize, synchronize, adapt, alter and reproduce the said Songs of the said Films in our Client's film. Our Client further states that, their Assignees under the aforesaid respective license have represented to our Client that they have lawfully acquired the copyrights, intellectual property rights and exploitation rights of the said Songs including its underlying works thereof forming a part of the said Films.”

8. On a perusal of the affidavit filed by the applicant, it is clear that the applicant has made out a case that he is the composer of the songs which is the subject matter of the suit which was used by the defendant in the movie titled “Good Bad Ugly”. It is further made clear that the applicant in his legal notice has gathered that he is holding the copyright licence for the said songs. Permission or consent from the applicant/plaintiff or from the authorised representative of the applicant is required in order to use the songs. The usage of songs in the film produced by the defendant namely “Good Bad Ugly”, is *prima facie* an infringement as claimed by the applicant.



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9. The applicant has enclosed the photo copies of the audio cassette labels of the movies “Sakalakala Vallavan”, “Vikram” and “Nattupura Pattu”, at Page Nos.1 to 3 of the typed set of papers, wherein, the applicant's name is shown as the music director. It is crystal clear from the reply notice that the defendant has not given any categorical statement that he has a valid copyright license from the authorised person/copyright holder.

10. The Hon'ble Supreme Court has given the following guidelines at the time of grant of interim order in ***Shiv Kumar Chadha V. MCD***, reported in 1993 SCC (3) 161, as follows: -

“6. The imperative nature of the proviso has to be judged in the context of Rule 3 of Order 39 of the Code. Before the proviso aforesaid was introduced, Rule 3 said “the court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party”. The proviso was introduced to provide a condition, where court proposes to grant an injunction without giving notice of the application to the opposite party being of the opinion that the subject of granting injunction itself shall be defeated



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by delay. The condition so introduced is that the court “shall record the reasons” why an ex parte order of injunction was being passed in the facts and circumstances of a particular case. In this background, the requirement for recording the reasons for grant of ex parte injunction cannot be held to be a mere formality. This requirement is consistent with the principle, that a party to a suit, who is being restrained from exercising a right which such party claims to exercise either under a statute or under the common law, must be informed why instead of following the requirement of Rule 3 the procedure prescribed under the proviso has been followed. The party which invokes the jurisdiction of the court for grant of an order of restraint against a party, without affording an opportunity to him of being heard, must satisfy the court about the gravity of the situation and court has to consider briefly these factors in the ex parte order. We are quite conscious of the fact that there are other statutes which contain similar provisions requiring the court or the authorities concerned to record reasons before exercising power vested in them. In respect of some of such non-compliance therewith will not vitiate the order so passed. But same cannot be said in respect of the proviso to Rule 3 of Order 39. The Parliament has prescribed a particular procedure for passing of an order of injunction without notice to the other side under exceptional circumstances. Such ex-parte orders have far-reaching effect, as such a condition has been imposed that court must record reasons



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before passing such order. If it is held that the compliance with the proviso aforesaid is optional and not obligatory, then the proviso by the Parliament shall be a futile exercise and that part of Rule 3 will be a surplusage for all practical purposes. Proviso to Rule 3 of Order 39 of the Code, attracts the principle that if a statute requires a thing to be done in a particular manner it should be done in that manner or not all. (Emphasis supplied).

11. The Hon'ble Supreme Court in the case of ***Maria Margadia Sequeria Fernandes & Ors Vs. Erasmo Jack De Sequeria (D) Tr.Lrs & Ors*** reported in 2012 (5) SCC 370, has observed the following:-

“86. Grant or refusal of an injunction in a civil suit is the most important stage in the civil trial. Due care, caution, diligence and attention must be bestowed by the judicial officers and judges while granting or refusing injunction. In most cases, the fate of the case is decided by grant or refusal of an injunction. Experience has shown that once an injunction is granted, getting it vacated would become a nightmare for the defendant. In order to grant or refuse injunction, the judicial officer or the judge must carefully examine the entire pleadings and documents with utmost care and seriousness.



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87. *The safe and better course is to give short notice on injunction application and pass an appropriate order after hearing both the sides. In case of grave urgency, if it becomes imperative to grant an ex-parte ad interim injunction, it should be granted for a specific period, such as, for two weeks. In those cases, the plaintiff will have no inherent interest in delaying disposal of injunction application after obtaining an ex-parte ad interim injunction. The Court, in order to avoid abuse of the process of law may also record in the injunction order that if the suit is eventually dismissed, the plaintiff undertakes to pay restitution, actual or realistic costs. While passing the order, the Court must take into consideration the pragmatic realities and pass proper order for mesne profits. The Court must make serious endeavour to ensure that even-handed justice is given to both the parties.*

88. *Ordinarily, three main principles govern the grant or refusal of injunction.*

- a) prima facie case;*
- b) balance of convenience; and*
- c) irreparable injury, which guide the court in this regard.*

89. *In the board category of prima facie case, it is imperative for the Court to carefully analyse the pleadings and the documents on record and only on that basis the Court must be governed by the prima facie case. In grant*



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and refusal of injunction, pleadings and documents play vital role.”

12. In view of the above categorical findings given by the Hon'ble Supreme Court, I am of the considered view that the applicant has made out a *prima facie* case for grant of an ad-interim injunction until further orders. The applicant shall comply with Order XXXIX Rule 3 CPC.

08.09.2025

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N.SENTHILKUMAR. J.

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To

Mythri Movie Makers
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