

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
15.06.2026PRONOUNCED ON
11.08.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A No. 442 of 2026INC.S(COMM DIV) NO. 211 of 2025

Vijay Kothari

..Applicant(s)

Vs

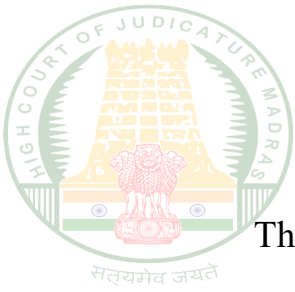
1. Shri Sairaam Creations
Represented by its Authorized Signatory
No.1, Velvan Street, West Kamakoti Nagar,
Valasaravakkam, Chennai-600 087
2. Mega Surya Productions
Represented by its Authorized Signatory
Flat No.102, Banjara Hills,
Road No.12, Hyderabad 500 034.
3. Amazon Seller Services Private Limited
8th Floor, Brigade Gateway, 26/1 DR.
Rajkumar Road, Bangalore 560 055

..Respondent(s)

PRAYER:- Application filed to grant leave to amend the plaint as outlined in schedule of the affidavit and pass such other order or relief as this court deems fit and proper and thus render justice.

For Applicant(s): Mr.M Velmurugan

For Respondent(s): No appearance for R1
Mr.P.Giridharan for R2
Mr.Rahul Balaji for R3



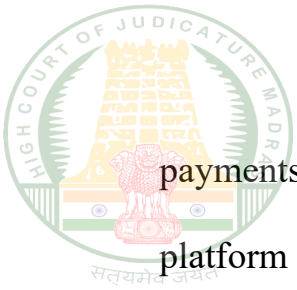
ORDER

The present Application has been filed to amend the plaint as outlined in the schedule of the affidavit.

2. Heard Mr.M Velmurugan learned counsel appearing on behalf of the applicant, Mr.P.Giridharan learned counsel appearing on behalf of the second respondent and Mr.Rahul Balaji learned counsel appearing on behalf of the third respondent

3. Mr.M Velmurugan, learned counsel appearing for the applicant would submit that initially the applicant had filed a suit seeking to declare the rights of the applicant in the digital/ satellite and OTT rights of the film Harihara veera Mallu and for a direction to direct the second respondent to specifically perform its obligation as per the agreement for facilitating the applicant exploitation of the signed rights and also for consequential permanent injunction restraining the respondents in any manner releasing, publishing, communicating to the public, streamline, executing or otherwise exploiting the said film through any digital or OTT platforms particularly in the platform of Amazon Prime Video of the third respondent and for the damages quantified of Rs.5,00,000/-.

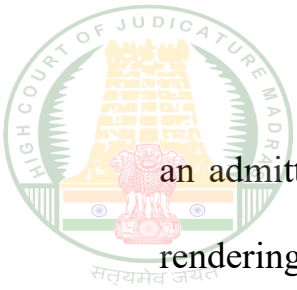
4. He would submit that by the time the suit came up for hearing, on which day, this Court had restrained the third respondent from making any



payments to the sum of Rs. 4 crores, the film came to be exploited in the OTT platform in the third respondent which had caused further financial loss and mental agony to the applicant. Hence, the present application for the amendment had been taken out for carrying out the necessary amendments including the increased damages claimed apart from a direction to the second respondent to return the sum of Rs.4 Crores which is payable under the assigned agreement to the plaintiff. Hence, in the interest of justice learned counsel appearing for the applicant prays this Court to allow the amendment application.

5. Countering his claim, Mr.P.Giridharan, learned counsel appearing for the second respondent would at the outset submit that there is no *prima facie* case that has been made out to allow the present amendments. He would submit that the applicant is trying to set back the clock in time and bring in the reliefs which are beyond the period of limitation. He would further submit that no supporting averments had been pointed out as to why such amendments have to be made in the plaint. Hence, he seeks dismissal of the application.

6. Mr.Rahul Balaji, learned counsel appearing for the third respondent would submit that the third respondent was only a platform under which the film had been broadcasted. He would further submit that even taking into consideration the affidavit that had been filed in support of the application the reliefs (a) and (b) had sought for in the plaint had become infructuous, since it is



an admitted fact that the film had been released in the OTT platform thereby rendering the reliefs (a) and (b) in the suit to be infructuous. Hence, to overcome the same, the present application had been taken out to amend the prayers, the memo of valuation, seeking for an additional relief as against the second respondent for return of money and for increased damages.

7. He would specifically point out to this Court that what had been sought for is only in relation to the prayer, with the memo of valuation and not seeking to introduce any averments in support of the additional prayers that has been sought for. He would further submit that neither the affidavit indicates that there are averments to the amended prayers in the plaint and in particular that a reading of the plaint do not disclose any other averments including necessary cause of action for the additional reliefs that had been sought for. Having quantified the damages at Rs.5 Lakhs based upon the original plaint averments, no reasons have been attributed nor had the increased damages had been qualified. Hence he would submit that the present application is only a ruse to protract the proceedings and hence, prays this Court to dismiss the application.

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.



9. Originally, the suit had been filed for a relief of declaration, specific performance, injunction and damages at Rs.5,00,000/-. Under the present amendment, the applicant seeks for a higher damages at Rs.25,00,000/- and with a further additional prayer to return a sum of Rs.4,00,00,000/- (Rupees Four Crores) along with interest at the rate of 18% per annum.

10. For better appreciation, the prayers in the original plaint and as sought for to be amended are tabulated hereunder:-

Original Relief

18. The Plaintiff herein prays that this Hon'ble Court may be pleased to grant a judgment and decree on the following terms:

a) declaring the Plaintiff as the legitimate and exclusive digital/satellite and OTT Rights holder of the Telugu film titled "Hari Hara Veera Mallu" starring Pawan Kalyan within the territory of India and throughout the world; and directing the 2nd Defendant to specifically perform their obligation as per the Assignment Agreement dated 03.01.2020 by acknowledging and facilitating the Plaintiff's exploitation of the Assigned Rights;

Amended Relief

18. The Plaintiff herein prays that this Hon'ble Court maybe pleased to grant a judgment and decree on the following terms:

a) Declaring the Plaintiff as the legitimate and exclusive digital/satellite and OTT Rights holder of the Telugu film titled "Hari HaraVeera Mallu" starting Pawan Kalyan within the territory of India and throughout the world, and directing the 2nd Defendant to specifically perform their obligation as per the Assignment Agreement dated 03.01.2020 by acknowledging and facilitating the Plaintiff's exploitation of the Assigned Rights;

b) Granting permanent injunction



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b) Granting permanent injunction restraining the Defendants, their agents, affiliates, representatives, or anyone acting on their behalf, from releasing, publishing, communicating to the public, streaming, exhibiting, or otherwise exploiting the Telugu film "Hari Hara Veera Mallu" through any digital or OTT platform, particularly Amazon Prime Video, in any manner whatsoever,

c) that the Defendants be ordered and directed to pay the Plaintiffs a sum of Rs.5,00,000 (Five Lakhs only) by way of damages.

d) for the costs of the Suit; and

e) Pass such further Orders as this Hon'ble Court may deem fit and appropriate considering the facts and circumstances of the case and thus render justice."

restraining the Defendants, their agents, affiliates, representatives, or anyone acting on their behalf, from releasing, publishing, communicating to the public, streaming, exhibiting, or otherwise exploiting the Telugu film "Hari Hara Veera Mallu" through any digital or OTT platform, particularly Amazon Prime Video, in any manner whatsoever,

c) That the Defendants be ordered and directed to pay the Plaintiffs a sum of Rs.25,00,000 (Twenty Five Lakhs only) by way of damages.

d) Directing the 2nd Defendant to return a sum of Rs. 4,00,00,000/- along with 18% interest per annum;

e) For the costs of the Suit and

f) Pass such further Orders as this Hon'ble Court may deem fit and appropriate considering the facts and circumstances of the case and thus render justice.

and a consequential amendment to the memo of calculation had been sought for.

11. The reasons attributed in the affidavit filed in support of the



application was that the film had been exploited on the day when the suit was moved and hence, there is a sufferance on both financial and on the mental side.

If such is the reason that is attributed, the applicant would also have to bring in necessary averments in the plaint to seek for additional damages namely the date of exploitation by the defendant and the extent of further damages. Without such averments, this Court is of the view that the relief increasing the damages alone in the suit prayer could not be entertained. It should be noted that the present amendment is sought for based upon the further cause of action and that cause of action has been failed to be sought to be introduced in the plaint for the relief that has been prayed for.

12. As regards the prayer relating to a direction to return a sum of Rs.4,00,00,000/- along with 18% interest, a perusal of the plaint would indicate that the applicant had specifically averred that he had paid Rs.5,00,00,000/- towards the Assignment Agreement and Rs.1,00,00,000/- had been paid back by the second defendant which had been alleged to extinguish or settle the plaintiffs right under the Assignment Agreement as per the Clause 22 which had been repudiated by the second defendant by specifically alleging that no amount had been paid whatsoever under the Assignment Agreement. This Court is of the view that specific pleadings of the prayer of return of Rs.4,00,00,000/- are available and in that regard, further considering of the undisputed fact that the alleged assignment rights in favour of the applicant have been assigned to a



third party, if the amendment as prayed for is not allowed it would only cause injustice to the applicant.

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13. For the aforesaid reasons, the application stands partly allowed to amend the suit only with regard to the prayer (d) as sought for in the application and the consequently valuation alone and in other aspects the application stands rejected. However, there shall be no order as to costs.

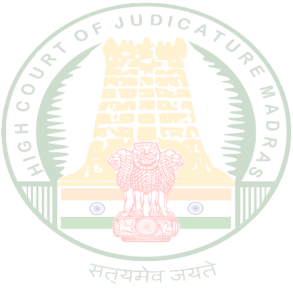
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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K.KUMARESH BABU, J.

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