

IN THE COURT OF THE SUBORDINATE JUDGE OF VATAKARA.

Present: Sri. Joji Thomas, Sub Judge.
Monday, the 3rd day of February, 2025

IA. 06/2024 IN OS 45/2023

Between:

M/s CNC Film House, A partnership firm having its registered - Office at Door No. 14b, Oriental Garden, Kaloor, Elamakkara, Cochin-11, Kanayannoor Taluk, Ernaluklam district, Rep. by its Managing Partner, Vinod.P, aged 43 years, S/o Subramanian, Business, Pazhambalakkod House, Kavalapara, P.O. Shoranur, Shornoor Village, Ottapalam Taluk, Palakkad District.Pin 679523	}	Petitioner/Plaintiff
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And:-

Kerala Coir Movie House, A partnership firm having its registered Office at Vatakara Muncipal, Door No. 30/1018, Vadakara amsom and desom, Vadakara Taluk, Pin-673101, Rep. by Managing Partner, M.M. Chandran, S/o Choyi, aged 70 years, Business, Vellottkandiyil House, Near Keerthimudra Theatre, Vatakara.P.O, Vadakara amsom & desom, Vadakara Taluk, Kozhikode District, Pin 673101.	}	Respondent/Defendant
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This petition coming on the 6th day of February, 2025 for final hearing before me in the presence of Sri. K.K. Anilraj, Smt. Henli.H and Smt. Mijisha.P, Advocates for Petitioner and of Sri. K.K. Vijayan and Sri. K.K. Sreekumar, Advocates for Respondent and having stood over to this day for consideration, the Court passed the following:

ORDER

This application is filed under Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to direct respondent to release the articles.

2. The petitioner is the plaintiff in this suit. The present suit was filed for realization of Rs. 33,02,590/- together with interest due to the petitioner. The petitioner has taken on lease the theater of the respondent. The lease deed between plaintiff and defendants was terminated on 03.01.2021. Thereafter, theater was jointly run by defendants and the plaintiff till 11.02.2023. The theater was closed on 07.02.2023 and the key was obtained by the defendants on 08.2.2023. The movable articles belonging the petitioner is still at the plaintiff schedule theater. Hence, this application to direct respondent to release those movable articles, such as 1) 10 KV UPS battery 2) Lenovo Computer with monitor, CPU, UPS, Key board and mouse 3) Two popcorn machine 4) LED display board. 5) LED Cinema Poster board 6) Two Sweet corn machine 7) Candy crush machine 8) One fridge 9) One table four chairs.

3. The respondent filed counter affidavit with following contentions:-
At the time of termination of agreement with the petitioner, some articles were kept at the premises on behalf of Prasad Xtreme Digital Cinema(hereinafter in short as PXD) and same has been entered in agreement dated 08.02.2023. No

other articles of the petitioner are at the theater. The petitioner has also later taken back some of those articles. At present, the following articles of the petitioner are at the theater, such as 1) One computer set 2) Four chair 3) Two Popcorn candy machine 4) Three Freezer 5) One fridge 6) One popcorn machine 7) Eight LED display board 8) One LED cinema poster board 9) Two oven 10) One screen 11) One sound processor. The respondent is ready to hand over those articles on proper acknowledgment and receipt.

4. Heard both sides.

5. The learned counsel appearing for the petitioner submitted that present application is filed to direct respondent to release the articles of the petitioner kept at the theater. The learned counsel appearing for the respondent submitted that articles of the petitioner kept at the theater are entered in document No.8 produced along with the plaint. According to the counsel, respondent is ready to release those articles on proper acknowledgment. The respondent has listed the following articles, such as one computer set, two chairs, two candy machine, three freezers, one fridge, one popcorn machine, LED display board, LED cinema poster, one oven, one screen and one sound processor.

6. The document No.8 produced along with the plaint is a receipt dated 08.02.2023 issued by respondent to the petitioner acknowledging the surrender of key. As per the said document, Crysti 2K projector, Projector server, monitor,

data cable, mouse, keyboard, taken on rent from PXD were collected by their staff and kept in safe custody at the theater under their responsibility. The articles of online ticketing firm namely Book My Show were also handed over likewise. Moreover a cable, three chairs, two chairs at the theater lobby, four wooden boxes, one coffee machine, one candy machine, one popcorn machine, five freezer, two heat oven, one sound processor and one screen are kept at the theater.

7. The respondent has admitted to release one computer set, two chairs, two candy machine, three freezers, one fridge, one popcorn machine, LED display board, LED cinema poster, one oven, one screen and one sound processor. The 10 KV UPS with battery claimed by the petitioner is not admitted by the respondent. The respondent is directed to release the articles admitted by them in counter affidavit and receipt dated 08.02.2023(Document No.8) on proper acknowledgment and receipt. No order is passed with respect to other articles claimed by the petitioner for want of evidence.

(Dictated to C.A, typed by her, corrected and pronounced by me in Open Court on this the 3rd day of February, 2025)

Sd/-
SUB-JUDGE,
VATAKARA.

Witnesses and Exhibits marked on either side :NIL

Sd/-
SUB-JUDGE,
VATAKARA.

Fair/Copy of order in IA.06/24
in OS.45/2023, Dtd: 03/02/2025