

IN THE IV ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Tmt.R.K.P.Tamilarasi, M.L.,
IV Additional Judge,**

Friday, the 17th day of July, 2026

I.A.No.11/2026

in

O.S.No.3136/2019

(CNR.No.TNCH01-016332-2019)

1.Koto Musik & Media,
Represented by its Partner A.Sridhar,
Plot No.164, C.V.Raman Street,
Alwathiru Nagar, Chennai -600 087.

2.Jumbo Cinemas,
Represented by its Partner A.Sridhar,
Plot No.164, C.V.Raman Street,
Alwathiru Nagar, Chennai -600 087

...Petitioners/Defendants 1 & 2

// Versus //

1. Mr.M.Vijay Kothari,
No.5, Ramarao Street,
T.Nagar, Chennai-600 017.

...1st Respondent/Plaintiff

2.Qube Cinema Inc,
Represented by its Authorized Signatory,
No.42, Dr.Ranga Road,
Mylapore, Chennai -600 012.

3.UFO Movies India Limited,
UFO Digital Cinema,
Represented by its Authorized Signatory,
Valuable Techno Park,
Plot No.53/1, Road NO.7,
Opp.Akruti Trade Centre,
MIDC, Marol, Andheri- East,
Mumbai-400 093.

... Respondents2 & 3/Defendants 3 & 4

This petition having come on 10.07.2026 for final hearing before this Court in the presence of M/s.AAV Partners learned counsel for the Petitioners/1st and 2nd Defendants and M/s.G.Mohana Krishnan learned counsel for the 1st Respondent/Plaintiff and Respondents 2 and 3 being called absent set exparte, upon perusing the documents and hearing the arguments of both sides, and having stood over for consideration till this day, and this court delivered the following:-

ORDER

This petition is filed by the Petitioners/Defendants 1 & 2 under Order XVI Rule 1-A of CPC., to grant leave to summon M/s.Ravi Prasad Film Lab Pvt Ltd., as defendant side witness in OS.No.3136/2019 on the file of this court.

1. Brief averments of the petition filed by the Petitioners/Defendants 1 & 2 is as follows:

The Petitioners/defendants stated that, the present suit has been filed by the 1st respondent/plaintiff inter alia to order and decree that the petitioners/defendants 1 and 2 to pay a sum of Rs.35,00,000/- to the 1st respondent/plaintiff and also for other reliefs mentioned therein. The said suit is being contested by the petitioners. After the pleadings were settled between the parties, the matter was posted for recording evidence of the PW1 before this Court. Subsequently, the cross examination of PW1 was over on 19.07.2024. Thereafter, the case on 26.09.2024 has been posted for defendant side evidence. While, so the petitioner has taken out an application in I.A.No.10/2024 in OS.No.3136/2019 seeking for receive documents which was mentioned therein and the said application has been allowed by this court on 14.10.2025. Thereafter, the DW1 evidence was conducted on 25.11.2025 and completed on 03.03.2026. Subsequently, the case has been posted for further evidence of defendant side. In the meanwhile the petitioner has traced out a document, i.e., clearance letter issued by the plaintiff to M/s.Ravi Prasad Film Lab Pvt Ltd., dated 31.08.2017 from his office. However, the said letter is of Photocopy and therefore, the original has to be produced before this court in order

to arrive for fair justice. The original document is under the possession and custody of M/s.Ravi Prasad Film Lab Pvt Ltd., and so it could not be filed at the time of filing the written statement or in the receive document application. Moreover the said document is necessary and relevant to prove the case of the petitioners. Therefore, M/s.Ravi Prasad Film Lab Pvt Ltd has to produce the original clearance for which it has to be summoned before this court for adducing evidence. Hence this petition.

2. Brief averments of the counter, filed by the 1st respondent/plaintiff is as follows:

The 1st respondent/plaintiff stated that, at no point of time he have executed any clearance letter dated 31.08.2017 as alleged by the petitioner either in favour of Ravi Prasad Lab or in favour of the petitioner herein clearing the dues of the petitioner. Therefore there is no question of producing those letter would arise and it is not under the custody of Ravi Prasad Lab or in the custody of anybody. The petitioner herein had filed IA.10/2024 in the above suit for marking certain documents as additional documents from his side. If at all the petitioner had copy of the above alleged letter dated 31.08.2017, the petitioner herein would have filed the same along with the above application. The fact that no steps were taken by the petitioner to file the above document would clearly establish that no such document was available with the petitioner and to prolong the above suit to defeat his rights the petitioner had filed the above application. The further respondent stated that, Ravi Prasad Lab is not connected to the present case and the petitioner is dragging the above lab only to protract the above proceedings. In such circumstances it is just and necessary to dismiss that above application. Hence dismiss the application.

3. No witnesses were examined on both side and No documents were marked on either side.

4. The point for determination:

Whether the petition is to be allowed or not?

5. Point for consideration :-

The 1st respondent/plaintiff filed the above suit a recovery of money a sum of Rs.35,00,000/- from the defendants 1 and 2 joint and severally and for permanent injunction. On perusal of the notes paper it reveals that, on the side of the plaintiff, PW1 proof affidavit filed through him Ex.A1 to A6 documents were marked. On the side of the defendants, DW1 proof affidavit filed through him Ex.B1 to B6 documents were marked and cross examination completed. Now, the case is posted for further defendant side witness. At this stage, the petitioners/defendants filed this petition to summon M/s.Ravi Prasad Film Lab Pvt Ltd., as defendant side witness in OS.No.3136/2019 on the file of this court.

6. The counsel for the petitioners/defendants 1 and 2 stated that, the petitioner has taken out an application in I.A.No.10/2024 in OS.No.3136/2019 seeking for receive documents which was mentioned therein and the said application has been allowed by this court on 14.10.2025. Thereafter, the DW1 evidence was conducted on 25.11.2025 and completed on 03.03.2026. Subsequently, the case has been posted for further evidence of defendant side. In the meanwhile the petitioner has traced out a document, i.e., clearance letter issued by the plaintiff to M/s.Ravi Prasad Film Lab Pvt Ltd., dated 31.08.2017 from his office. However, the said letter is of Photocopy and therefore, the original has to be produced before this court in order to arrive for fair justice.

7. The counsel for the respondent/plaintiff stated that, at no point of time he has executed any clearance letter dated 31.08.2017 as alleged by the petitioner either in favour of Ravi Prasad Lab or in favour of the petitioner herein clearing the dues of the petitioner. Therefore there is no question of producing those letter would arise and it is not under the custody of Ravi Prasad Lab or in the custody of anybody. The petitioner herein had filed IA.10/2024 in the above suit for marking certain documents as additional documents from his side. Ravi Prasad Lab is not

connected to the present case and the petitioner is dragging the above lab only to protract the above proceedings.

8. Heard both sides and perused the records. On hearing the both side arguments, it came to know that, the petitioners /defendants claiming that he had already clear the debts to the Respondent/plaintiff and the clearance letter also issued by the plaintiff to one M/s.Ravi Prasad Film Lab Pvt Ltd., dated 31.08.2017 from his office. The said letter is of Photocopy and therefore, the original has to be produced before this court in order to arrive for fair justice. The petitioner stated that, the original document is under the possession and custody of M/s.Ravi Prasad Film Lab Pvt Ltd., and so it could not be filed at the time of filing the written statement or in the receive document application. The petitioner claiming that the said document is necessary and relevant to prove the case of the petitioners. Therefore, M/s.Ravi Prasad Film Lab Pvt Ltd has to produce the original clearance letter, hence, it is necessary to issue summon to the witness to produce the above document and adducing evidence before this Court. There is no prejudice caused to other side. Therefore, this Court is inclined to allow this petition.

In the result, this petition is allowed. No cost.

Dictated to the Steno-typist and computerized by her, corrected and pronounced by me in the open court, this Friday the 17th day of July, 2026.

IV Additional Judge.
City Civil Court, Chennai.

Both Sides Witness and Exhibits :- Nil

IV Additional Judge.
City Civil Court, Chennai.

Fair and Draft order

I.A.No.11/2026

in

O.S.No.3136/2019

Dated: 17.07.2026.

IV Additional

City civil Court

Chennai