

OA.Nos.35 to 37 of 2016 in
A.No.374 of 2016 in
C.S.No.21 of 2016

M.M.SUNDRESH, J.

Pending the Suit, Application No.374 of 2016 is filed on the ground that the ex-employees / customers of the applicant are being pouched by the respondent, contrary to the non-complete / non-disclosure agreement.

2. It appears that pursuant to the notice issued by the applicant, the respondents have issued a reply stating that the said exercise has been stopped by terminating the ex-employees of the applicant. In fact, in the Communication, dated 02.03.2015, it has been stated by the respondent No.1, that it had removed all the 5 employees from the roll, as on 14.11.2014 and does not have any contract with PENT amount.

3. Based upon the aforesaid statement, the learned Senior Counsel appearing for the respondents submits that there is no cause of action available as of now, since the decision was taken as early as on 14.11.2014.

4. The learned counsel for the Applicant submits that it is a continuing cause of action. It is further submitted that if the respondents is ready to give an undertaking that they will not go contrary to non-complete / non-disclosure agreement, then the claim for damages will not be pressed and the Suit may be decreed on the said ground. However, the learned Senior Counsel appearing for the respondents does not agree to the aforesaid submission.

5. Thus, this Court does not have any other option except to close the Application, since, as of now, there are no employees governed by the non-complete / non-disclosure agreement of the applicant, with the respondents.

6. Therefore, the Application stands closed. However, liberty is given to the applicant to file a fresh Application in the event of any such action on the part of the respondents contrary to the non-complete / non-disclosure, between the applicant as well as anything pertaining to the contract with PENT.

7. The statement that the agreement between the respondents and the applicant has also expired is also recorded.

21.10.2016

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