

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 04TH DAY OF MARCH 2020

THE HON'BLE THIRU. JUSTICE M.S.RAMESH

A.No.9368 of 2019

in

C.S.No.110 of 2019

1. AudiBot Inc
11 Latour Lane,
Newark, New Castle, Delaware, 19702
United States of America
Rep.by its Power Agent
Mr.Veerashivaaji

2. Veerashivaaji
277/1, Sangam Apartments,
Belly Area, Anna Nagar,
Chennai 600 040
Tamil Nadu, India.

: Plaintiffs

-Versus-

1. Togglenow Software Solutions Private Limited
#8-3-315/2, F 102, Kuteer Apartments,
Maruthi Nagar, Hyderabad 540 045.
Telengana, India.

2. Raghu Bodu
#8-3-315/2, F 102, Kuteer Apartments,
Maruthi Nagar, Hyderabad 540 045.
Telengana, India.

3. Clematis Technology Solutions India Private Limited
H.No. 8-2-682/A, 4th Floor,
Plot No:2, Road No: 36,
Jubilee Hills, Hyderabad 500 034.

: Defendants

A.No.9368 of 2019:

1. Togglenow Software Solutions Private Limited
 #8-3-315/2, F 102, Kuteer Apartments,
 Maruthi Nagar, Hyderabad 540 045.
 Telengana, India.

2. Raghu Bodu
 #8-3-315/2, F 102, Kuteer Apartments,
 Maruthi Nagar, Hyderabad 540 045.
 Telengana, India.

3. Clematis Technology Solutions India Private Limited
 H.No. 8-2-682/A, 4th Floor,
 Plot No:2, Road No: 36,
 Jubilee Hills,
 Hyderabad 500 034.

:Applicants/Defendants

-Versus-

1. AudiBot Inc
 11 Latour Lane,
 Newark, New Castle,
 Delaware, 19702
 United States of America
 Rep.by its Power Agent
 Mr.Veerashivaaji

2. Veerashivaaji
 277/1, Sangam Apartments,
 Belly Area, Anna Nagar,
 Chennai 600 040
 Tamil Nadu, India.

: Respondents/Plaintiffs

Application praying that this Hon'ble Court be pleased to Reject the
 plaint with exemplary costs.

This Application coming on this day before this court for hearing, the Court made the following order:-

The applicants/defendants has predominantly raised the ground that there is no cause of action in filing the present suit and that the power of attorney executed by the first plaintiff in favour of the second plaintiff is not valid.

2. I do not find any reason to interfere with the present application on the ground that there is no cause of action, since the plaint averments in paragraph Nos. 8 to 10, does reveal a cause of action for maintaining the relief of permanent injunction. It is a settled proposition of law, that for the purpose of determining an application under Order 7 Rule 11, would require the Court to look into the mere averments in the plaint and when the plaint reflects some cause of action, the duty of the defendant would be to establish his case during the course of trial. As such, the ground that there is no cause of action, cannot be entertained.

3. Insofar as the execution of power deed is concerned, if at all the defendant is of the view that the power has not been properly executed, it is always open to him to establish it during the suit proceedings and it may not be appropriate for this Court to reject the plaint on this factual ground also.

Hence, the present application in A.No.9368 of 2019 does not require any consideration and accordingly, the same stands dismissed.

Sd./-M.S.R.J.
04/03/2020

//Certified to be true copy//
Dated at Madras this the day of 2020.

JJ 09/03/2020

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.