



O.S.A.Nos.214 and 215 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

O.S.A. Nos.214 and 215 of 2021
and C.M.P.Nos.8824, 8826 and 8827 of 2021

O.S.A.No.214 of 2021:

G.I Retail Private Limited,
Having its registered office at
C-9, Thiru Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032,
Tamil Nadu.

.. Appellant

Vs

1.Hermes I ticket Private Ltd.,
rep. by its Director, Manoj Kumar Sahu,
Having its registered office at
Unit No.301 & 302, 3rd Floor, Campus 3B,
RMZ Millenia Business Park,
No.143, MGR Main Road, Perungudi,
Chennai-600 096.

2.Wirecard AG,
Einsterinring 35,
rep. by its Chief Financial Officer Alexander Von Knoop,
Einsteinring 35,
85609 Aschheim, Germany.



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3. Emerging Markets Investments Fund – Fund 1A,
rep. by its Director Rohit Kumar,
Having registered office at
5th Floor, Barkly Wharf, Le Candem,
Waterfront, Port Louis, Republic of Mauritius.

4. James Henry O'Sullivan,
C.o Senjo Group,
#56, One Raffle Place,
0486 16 Singapore.

5. Jan Marsalek
Einsteinring 35,
85609 Aschheim,
Deutschland, Germany.

6. Goomo Orbit Corporate & Leisure
Travels (I) Private Limited,
Office No.1003, Hallmark Business Plaza,
SD Marg, Opposite Guru Nanak Hospital,
Bandra East, Mumbai-400 051,
rep. by its Director.

.. Respondents

Prayer: Appeal under Section 13 of the Commercial Courts Act read with
Section 104 of the Civil Procedure Code to set aside the order dated
26.4.2021 passed in Application No.4262 of 2019 in C.S. (Comm.) No.194
of 2019.

For Appellant

: Mr.V.Srikanth
for M/s.E.Balamurugan



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For Respondents

: Ms.Deepika Murali
for respondent No.6

O.S.A.No.215 of 2021:

1.GI Smart E Cargoes Private Limited,
C-9, Thiru Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032,
Tamil Nadu.

2.G.I Retail Private Limited,
Having its registered office at
C-9, Thiru Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032.

.. Appellants

Vs

1.Hermes I ticket Private Ltd.,
rep. by its Director Manoj Kumar Sahu,
Having its registered office at
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No.143, MGR Main Road, Perungudi,
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Travels (I) Private Limited,
Office No.1003, Hallmark Business Plaza,
SD Marg, Opposite Guru Nanak Hospital,
Bandra East, Mumbai-400 051,
rep. by its Director.

.. Respondents

Prayer: Appeal under Section 13 of the Commercial Courts Act read with Section 104 of the Civil Procedure Code to set aside the order dated 26.4.2021 passed in Application No.2581 of 2019 in C.S. (Comm.) No.194 of 2019.

For Appellants : Mr.V.Srikanth
for M/s.E.Balamurugan

For Respondents : Ms.Deepika Murali
for respondent No.6



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COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

Appeals are against the order passed by the trial court rejecting certain interim applications.

2. Counsel for appellants submitted that the order has been passed on an incorrect premise that written statements of all defence witnesses were on record, whereas, factually, only sixth defendant has filed. Therefore, counsel seeks leave to withdraw the appeals with liberty to file a review petition.

3. Ms.Deepika Murali states that, if the court is inclined to grant the request, then all the rights and contentions of the respondents should be kept open.

4. Appeals are dismissed as withdrawn, with liberty as prayed for. All rights and contentions are kept open. We further clarify that we have



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not expressed any view as to:

- (a) whether a review is maintainable;
- (b) review should be entertained;
- (c) review is within time; and
- (d) merits of the matter.

There shall be no order as to costs. Consequently, interim applications stand closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ J.)

03.02.2025

Index : Yes/No
NC : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ. J.

(sasi)

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