



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

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THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.2314 of 2023
in
C.S.(Comm Div) No.88 of 2023

M/s.Rare Hospitality & Services,
represented by its Branch Head,
Mr.Mahesh A having its branch
office at No.2A, J.P.Verticals,
2nd Floor, Babu Jegan Street,
Opp.Vijaya Hospital,
Arumbakkam, Chennai-600 106.

...Applicant/Plaintiff

vs

1.Mr.Sunil Kumar Balan
residing at L4/2,
East Avenue, TNHB Colony,
Korattur, Chennai-600 080.

2.Ms.Chindan Geetha,
residing at No.51/10,
Soundariya Colony, Anna Nagar,
West Extn., Chennai-600 101.

3. KNP Facilities Management
Private Limited, having its
registered office at No.81-82,
SKM Sathya Ramana Flats,
North Redhills Road, Villivakkam,
Chennai-600 049

...Respondents/Defendants



PRAYER: Judges summons filed under Order XIV Rule 8 of Original Side Rules read with Order II Rule 2 of the Code of Civil Procedure, 1908, praying to grant leave to the Plaintiff to sue the Defendants for a further remedy under the same cause of action under Order II Rule 2 of the Code of Civil Procedure, 1908.

For Applicant/Plaintiff : M/s.Ramya Subramaniam

For Respondents/Defendants: Mr.V.R.Appaswamee

ORDER

A suit was filed seeking injunctive relief and damages in relation to infringement of copyright and alleged breach of obligation to maintain confidentiality and non-solicitation. By this application, the plaintiff seeks leave to sue for other remedies arising out of the same cause of action in separate proceedings.

2. Learned counsel for the plaintiff submits that the first defendant was an employee of the plaintiff until 31.03.2022 and that the second defendant was an employee of the plaintiff until 22.04.2022. During subsistence of the respective employment contracts, learned counsel submits

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that the said defendants incorporated the third defendant and diverted the business of the plaintiff to the third defendant. She submits further that the plaintiff is only aware of the diversion of the business from the three customers mentioned in the Schedule-A of the plaint and that the claim for damages has been quantified only with regard to the said customers. Because it is possible and even likely that other customers may have been diverted, it is submitted that the present application has been filed.

3. In response, learned counsel for the defendants submits that the plaintiff has ceased to carry on business. He also submits that the reliefs claimed in the suit are wide-ranging and that the present application is liable to be dismissed.

4. On perusal of the plaint, it is evident that the plaintiff has set out details of three customers, whose business is said to have been unlawfully solicited, in Schedule-A of the plaint. Damages on that account has been computed in a sum of Rs.57,50,797/- and claimed in paragraph-54(f) of the plaint. As contended by learned counsel for the plaintiff, it is possible that other clients/customers of the plaintiff may also have been solicited by the



first and second defendants and additional losses may have been caused to the plaintiff on that account.

5. Therefore, the plaintiff is granted leave to seek other remedies arising out of the same cause of action by way of an independent suit. For the avoidance of doubt, it is clarified that remedies falling within the scope of paragraph-54 of the plaint shall not be claimed in such separate proceedings.

6. A.No.2314 of 2023 is allowed accordingly.

15.12.2025

Index : Yes/No

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Internet : Yes/No

Neutral Citation: Yes/No

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SENTHILKUMAR RAMAMOORTHY J.

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