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OSA (CAD) No.50 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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&

C.M.P.Nos.11359 & 11360 of 2024

Testbook Edu Solutions Private Limited

Through their Authorised Signatory Sankalp Aggarwal

Corporate Identification No.U72200MH2013PTC241118

Having registered address at:

1st & 2nd Floor Zion Building

Plot No.273, Sector 10 Kharghar, Panvel

Navi Mumbai Raigarh, Maharashtra, India 410 210

Now at: Through their Authorised Signatory Sankalp Aggarwal

Corporate Identification: No.U72200HR2013PTC1119489

Having registered address at 2nd Floor, Plot No.4

Minarch Tower, Sector 44, Gurgaon 122003

Haryana, India.

.. Appellant

Vs.

1. Google India Pvt. Ltd.

Rep. by its Managing Director

Corporate Identification No.U72900KA2003PTC033028

With their registered address at:

No.3, RMZ Infinity – Tower E, Old Madras Road



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4th & 5th Floors, Bangalore, Karnataka 110 001.

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2. Google India Digital Services Private Ltd.
Rep. by its Managing Director
(CIN) U74999DL2017PTC376205
5th Floor, DLF Centre, Block 124
Narindra Place, Sansad Marg
New Delhi 110 001.
3. Alphabet Inc.
Rep. by its Authorised Officer
1600 Amphitheatre Parkway
Mountain View, CA 94043
United States of America.
4. Google LLC
Rep. by its Authorised Officer
A Limited Liability Corporation
With their registered address at:
251 Little Falls Drive
Wilmington, Delaware 19808
United States of America.
5. Google Asia Pacific Pte. Ltd.
Rep. by its Authorised Officer
Unique Entity Number 200817984R
8 Marina Boulevard
#05-02, Marina Bay Financial Centre
Singapore 01891.
6. Google Payment Corp.
Rep. by its Authorised Officer
1600 Amphitheatre Parkway Mountain View
CA 94043, United States of America.



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7. Google Payments India Private Ltd.
Rep. by its Managing Director
(CIN) U72200DL2007PTC360455
5th Floor, DLF Centre, Block 124
Narindra Place, Sansad Marg
New Delhi 110 001.

.. Respondents

Prayer : Appeal under Section 13 of the Commercial Courts Act, 2015 read with Order XXXIII, Rule 1 of CPC read with Order XXXVI, Rule 9 of O.S. Rules, read with Section 15 of Letters Patent against the order dated 30.04.2024 in A.No.4193 of 2023 in C.S. (Comm.Div.) No.186 of 2023.

For Appellant	: Mr.Abir Roy, for M/s.Ridhima Shankar Mr.Aman Shankar, Mr.Devashish Marwar
For Respondents	: Mr.P.S.Raman, Senior Counsel for M/s.Leela & Co., Mr.G.Balasubramanian Mr.Vijayendra Pratapsingh Ms.Sayobani Basu Mr.Ankitesh Ojha Mr.S.Anand Mr.P.Arun Kumar

JUDGMENT

(Judgment of the Court was delivered
by the Hon'ble Chief Justice)

After the appeal was heard for some time, in our view, there are



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certain factual errors in the impugned order pronounced on 30.04.2024 and it is a fit case for us to quash and set aside the impugned order dated 30.04.2024. Accordingly, the impugned order dated 30.04.2024 is quashed and set aside and the matter is remanded for de novo consideration of the application under Order VII, Rule 11 of Code of Civil Procedure, 1908. Consequently, application of respondent for rejection of plaint under Order VII, Rule 11, CPC stands restored. So also, the injunction application of the appellant.

2. We clarify that we have not considered the merits of the matter.

3. Counsel for appellant states that the interim relief that the appellant enjoyed be restored. Shri. Raman submits that the impugned order is almost one year old and appellant has not enjoyed any interim relief.

4. It is open to appellant to apply to the learned Single Judge to restore the interim relief that he was enjoying and the learned Single Judge



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may consider the same on merits. Again we do not express any opinion.

5. Counsel for appellant is seeking a direction to the learned Single Judge to consider the application to be filed for restoring the interim relief expeditiously. It is open to appellant to apply to the learned Single Judge for early hearing after filing such application and the learned Single Judge may give a date as per his inconvenience.

6. The appeal stands disposed of. There shall be no order as to costs. Consequently, interim applications also stand dismissed.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

20.01.2025

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(kpl)

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