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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.2880 of 2025
in C.S.No.793 of 2014

M/s.Indigo Buisness Services (India) Pvt Ltd
Represented by its Director Mr.Irwin Beasant Raj
Having its registered office at
No. 18/35, Second Cross Street, R.K. Nagar,
Chennai- 600 028. and another ... Applicants

-VS-

M/s.Focal Merchandising (India) Pvt Ltd
Director Mr.Noel Mohan Ravin
No.3/8, New Dhamu Nagar, Puliyangulam,
Coimbatore 641 037 and 6 others ... Respondents

For Applicants : Mr.Gautam S.Raman

For Respondents : Mr.S.R.Raghunathan
for M/s.S.Vijaya Ganesh for R1 to R3



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ORDER

The suit before this Court has been filed against seven defendants.

The relief claimed in the suit is for a direction to all the defendants to jointly and severally pay a sum of Rs.1,70,00,000/- to the plaintiff as compensatory and punitive damages with interest thereon from the date of plaint till the date of realization. A permanent injunction has also been requested. A separate suit has been filed by the third defendant herein suit against the two plaintiffs in this suit. The said suit is currently pending before the Commercial Court, Chennai.

2. The plaintiffs in this suit have sought a transfer of the suit pending before the Commercial Court to the file of this Court. Learned counsel for the plaintiff submits that some of the evidence would be common in both suits. By relying on the judgment of this Court in *Vediammal and others v.*



M.Kandasamy and others Manu/TN/0965/1997, learned counsel contends

that the causes of action could be distinct, but the fact that the causes of action are distinct is not a ground to reject the application for transfer. He also relies upon the judgment of the Supreme Court in *State Bank of India v. Ranjan Chemicals Ltd. and another (2007)1 SCC 97* with regard to the power of the Court to transfer a suit if the circumstances warrant and justify the same.

3. In response, learned counsel for the third defendant submits that the parties to the two suits are not the same. He also submits that the third defendant's suit before the Commercial Court is for recovery of a debt, whereas the suit before this Court is for damages. After further pointing out that the cause of action for the suit before this Court arose after the resignation of the third defendant from the employment of the first plaintiff, whereas the cause of action for the suit before the Commercial Court

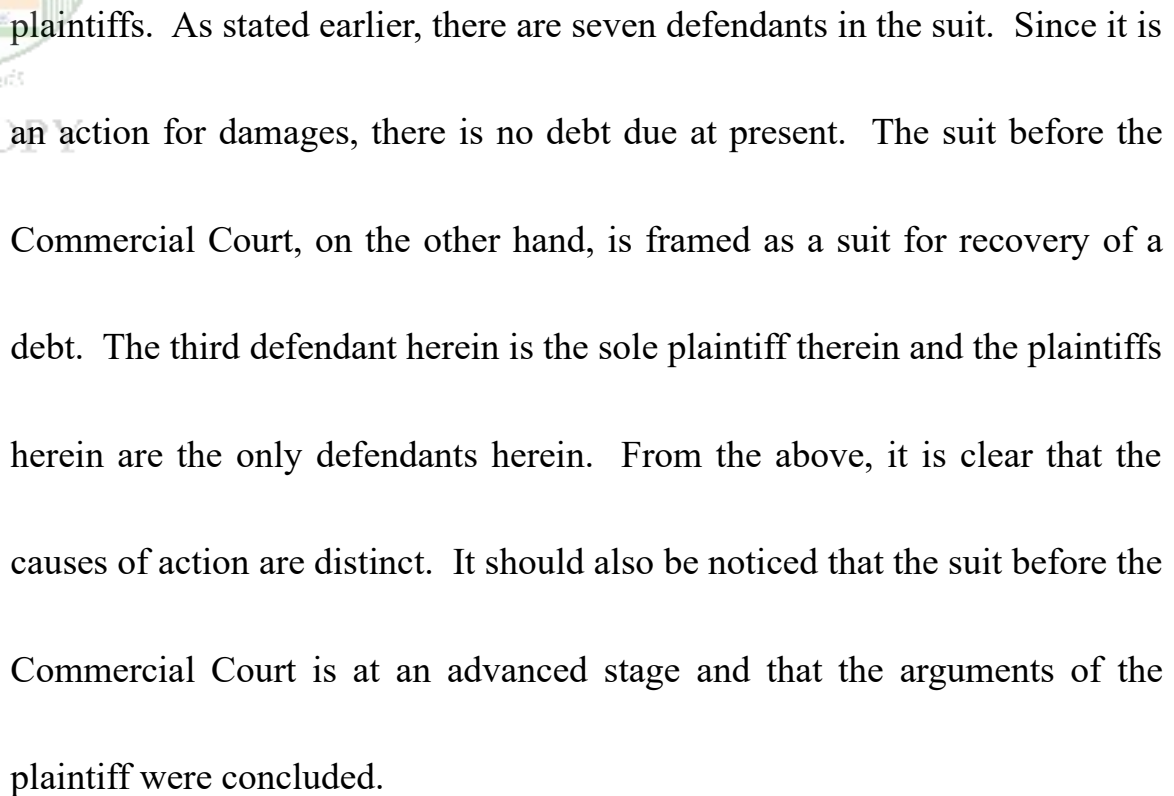


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accrued while the third defendant was in the employment of the first plaintiff, learned counsel also submits that the two suits are at different stages. While the arguments of the plaintiff were heard in full in the suit before the Commercial Court, he submits that D.W.1 is being examined in the suit before this Court. He concluded his submissions by referring to clause 13 of the Letters Patent and submitting that the prescription therein is not satisfied in the present case.

4. Learned counsel for defendants 4 to 7 submits that the said defendants propose to examine two witnesses.

5. On perusal of the plaint in the suit before this Court, it is beyond doubt that this suit is for a judgment and decree for payment of a sum of Rs.1,70,00,000/- as damages by the defendants jointly and severally to the



6. Given the fact that the parties are not the same and the distinct nature of the causes of action, transferring the suit before the Commercial Court to the file of this Court, at this juncture, would only cause delay in the conclusion of the suit before the Commercial Court. This is contrary to the object and purpose of the Commercial Courts Act, 2015. In any event, it is no longer possible to even consider a request for a joint trial.



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hereby dismissed.

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SENTHILKUMAR RAMAMOORTHY,J

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