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CMP NO. 1568 of 2025 in OSA No.110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-06-2025**

CORAM:

**THE HONOURABLE DR. JUSTICE ANITA SUMANTH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**CMP No. 1568 of 2025 in
OSA No. 110 of 2023**

Star Health And Allied Insurance Company Limited
Having its registered office at
No.1, New Tank Street, Valluvarkottam High Road,
Nungambakkam, Chennai -600 034.
Represented by its Authorised Signatory/
Power of Attorney Mr.Amarjeet Khanuja,
Chief Information Security Officer

...Petitioner/1st Respondent

Vs

1.Himanshu Pathak

2.Akshit

... Respondents/Respondents

PRAYER: Civil Miscellaneous Petition filed under Order XIV Rule 8 of O.S. Rules r/w Section 151 of Civil Procedure Code, to provide to the petitioner/1st respondent, a copy of the data in sealed cover submitted to this Hon'ble Court by the 1st respondent/appellant on 17.08.2023 in compliance of the order dated 27.06.2023 in O.S.A. No.110 of 2023.

For Petitioner : Mr. Krishna Srinivasan, Senior Counsel
for Mr.S.Shivathanu Mohan of
M/s.S.Ramasubramaniam & Associates

For Respondents : No Appearance



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ORDER

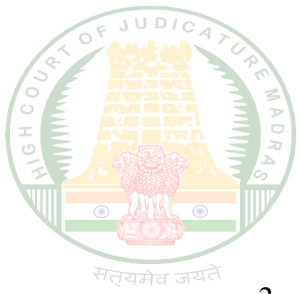
(made by N.SENTHILKUMAR, J.)

This Civil Miscellaneous Petition is filed seeking a copy of the data furnished by the 1st Respondent/Appellant in sealed cover to this Court on 17.08.2023 in compliance of the order dated 27.06.2023 in OSA.No.110 of 2023.

2. This Court, vide common Judgment dated 12.06.2024, disposed of OSA Nos.109 and 110 of 2023 with certain directions to enable the learned single Judge (Roster Judge) to dispose of the main suit. It is clear from paragraph 7 and 9 of the Judgment dated 12.06.2024 that the 1st Respondent/Appellant was directed to furnish data relating to Star Health And Allied Insurance Company Limited, the petitioner herein available with him and the appellant has also furnished the same in a sealed cover in SR No. 21905 of 2023. For the sake of convenience, Paragraph 7 and 9 of the Judgment dated 12.06.2024 are extracted hereunder:

7. In the captioned OSAs and CMPs thereat on 27.06.2023, a Hon'ble predecessor Division Bench directed the appellant to furnish data available with him relating to Star....

9. In the aforementioned scenario pursuant to 27.06.2023 orders of Hon'ble predecessor Bench, it comes to light that the appellant has filed the details as per directive in a sealed cover vide SR No. 21905 of 2023 as this is captured in proceedings of Hon'ble predecessor Bench dated 17.08.2023.



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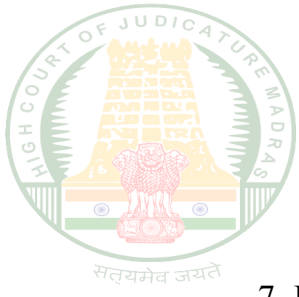
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3. After the disposal of the Original Side Appeals, the present Civil Miscellaneous Petition has been filed with the prayer cited supra.

4. It is the case of the petitioner that the Respondents had unauthorizedly accessed I.T and the data system of the petitioner and is in possession of sensitive data relating to the customers of the petitioner. Learned counsel for the petitioner submitted that the 1st Respondent had filed data relating to the petitioner in a sealed cover before this Court. The learned counsel for the petitioner prayed that a copy of the said data filed by the 1st respondent in the sealed cover be furnished to the petitioner for ascertaining the actual data, which has been unauthorizedly accessed by the 1st Respondent.

5. The 1st Respondent has filed a counter affidavit and contended that the petitioner did not seek a copy of the data filed by the 1st Respondent before this Court when the original side appeals were taken up for final hearing. That apart, the petitioner has chosen not to file proof affidavit and cooperate for conclusion of trial. Therefore, the petitioner is estopped from approaching this Court for any relief.

6. Admittedly, the data furnished by the 1st Respondent are the data pertaining to the petitioner herein. Whether such data were accessed by the Respondents without any authorization is the subject matter of the suit pending before the learned Single Judge.



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7. In such scenario, we are of the view that there is no prejudice will be caused to the 1st respondent in furnishing a copy of the data pertaining to the petitioner, which were filed by the 1st Respondent in the sealed cover. In fact, according to the petitioner, it is the data of the petitioner and the same will not hamper the adjudication of the suit.

8. Accordingly, this civil miscellaneous petition is allowed. The Registry is directed to furnish a copy of the data filed by the 1st Respondent in the sealed cover in SR No.21905 of 2023 in OSA.Nos.109 and 110 of 2023 to the petitioner forthwith, namely the Star Health And Allied Insurance Company Limited.

(ANITA SUMANTH J.) (N.SENTHILKUMAR J.)
02-06-2025

Anu
Index : Yes/No
Neutral Citation : Yes/No



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Dr.ANITA SUMANTH, J.,
and
N.SENTHILKUMAR, J.

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O.S.A. No.110 of 2023

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