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O.S.A.(CAD) Nos.152 and 153 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

OSA(CAD) Nos.152 and 153 of 2021
and CMP Nos.11231 and 11236 of 2022

OSA (CAD) No.152 of 2021:

Novex Communications Pvt. Ltd,
Rep. by its Authorised Signatory,
S.Swaminathan,
Having its office at 17/7,
NRCS Towers, 4th Floor,
Kodambakkam High Road,
Nungambakkam, Chennai - 600 034.

Appellant(s)

Vs

DXC Technologies Pvt. Ltd.,
Having registered office at
Maruthi Concorde Business Park,
Sy No.30/3, Konappana Agrahara
Village, Begur Hobli, Hosur Road,
Bangalore - 560 100.
Rep by Nachiket Sukthankar,
Managing Director - India.

Respondent(s)

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O.S.A.(CAD) Nos.152 and 153 of 2021

WEB COPY OSA(CAD) No. 153 of 2021:

Novex Communications Pvt. Ltd,
Rep. by its Authorised Signatory,
S.Swaminathan,
Having its office at 17/7,
NRCS Towers, 4th Floor,
Kodambakkam High Road,
Nungambakkam, Chennai - 600 034.

Appellant(s)

Vs

Cognizant Technologies Solutions
India Pvt Ltd.,
Having registered office at
5/535, Okkiam Thoraipakkam,
Old Mahabalipuram Road,
Kancheepuram, Chennai - 600 096.
Rep. by Thirumalai Narayanan,
Managing Director - India.

Respondent(s)

Prayer in OSA(CAD) No. 152 of 2021: Appeal under Section 13 of the Commercial Courts Act read with Order XXXVI Rule 1 of the Original Side Rules to set aside the judgment and decree order dated 08.12.2021 in C.S.No.407 of 2020 and restore the Suit.

PRAYER IN OSA(CAD) No. 153 of 2021: Appeal under Section 13 of the Commercial Courts Act read with Order XXXVI Rule 1 of the Original Side Rules to set aside the judgment and decree order dated 08.12.2021 in C.S.No.413 of 2020 and restore the Suit.



O.S.A.(CAD) Nos.152 and 153 of 2021

WEB CO OSA (CAD) No.152 of 2021:

For Appellant:

Mr.P.S.Raman, Senior Counsel,
Mr.Prakash Shah, Senior Counsel
and Mr.H.N.Thakore
for Mr.K.Vasuvenkat

For Respondent:

Mr.K.Premchandar

OSA (CAD) No.153 of 2021:

For Appellant:

Mr.P.S.Raman, Senior Counsel
Mr.Prakash Shah, Senior Counsel
and Mr.H.N.Thakore
for Mr.K.Vasuvenkat

For Respondent:

Mr.Srinath Sridevan,
Senior Counsel
for Ms.Aishwarya S.Nathan

For Applicant in CMP Nos.11231 and 11236 of 2022:

Mr.Vijay Narayan
Senior Counsel
for M/s.Deepika Murali



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O.S.A.(CAD) Nos.152 and 153 of 2021

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

On 7.3.2025, the following order was passed:

“Shri P.S.Raman, Senior Counsel appearing for appellant in both the appeals, stated that his instructions are to request the Court to quash and set aside the impugned judgment and thereby restore the suits and, after the suits are restored, withdraw the suits unconditionally.

2. Shri Srinath Srideven, Senior Counsel appearing for respondent in O.S.A. (CAD) No.153 of 2021, on instructions, says that his client has no objection.

3. Shri Premchandrar, appearing for respondent in O.S.A. (CAD) No.152 of 2021, says he has to take instructions.

4. Stand over to 10.03.2025, for directions.”

2. Today, Shri Premchandrar informs the court that his client is also agreeable to the suggestion of Shri Raman recorded in paragraph (1) of the order dated 7.3.2025.

3. Therefore, the following order is passed by consent:

(a)The impugned order dated 8.12.2021 is quashed and



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set aside;

(b)The suits are restored to file;

(c) The suits are allowed to be withdrawn unconditionally;

(d)The statement of Shri Raman that plaintiff has no claim whatsoever against defendant in the respective appeals up to today is also accepted.

4. Appeals are disposed of accordingly. There shall be no order as to costs. Consequently, interim applications stand closed.

5. Both the suits, being C.S.Nos.407 and 413 of 2020, stand disposed of. Refund of court fees, if any, in accordance with rules.

The fact that both suits are disposed of be noted by the Registry.

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

(MOHAMMED SHAFFIQ.J.)

10.03.2025

Index : Yes/No
NC : Yes/No
sasi



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O.S.A.(CAD) Nos.152 and 153 of 2021

सत्यमेव जयते
To:
The Sub Assistant Registrar
Original Side,
High Court, Madras.



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O.S.A.(CAD) Nos.152 and 153 of 2021

THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

(sasi)

OSA(CAD) Nos.152 and 153 of 2021
and CMP Nos.11231 and 11236 of 2022

10.03.2025