

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

COMMERCIAL COURT APPEAL NO: 26 OF 2024

Appeal under Section 13(1) of Commercial Court, Commercial Division and Commercial Appellate Division of the High Court Act, 2015 R/w Order 43 (1)(r) of CPC, 1908, praying that in the circumstances stated in the Memorandum of Grounds of Appeal the High Court may be pleased to:

- A. Set aside the impugned order dated 30/08/2024 which was further extended on 10/09/2024 by the Honourable Special Judge for Trial and Disposal of Commercial Disputes Ranga Reddy District in I.A. No. 355/2024 in COS No. 23 of 2024.

Between:

M/s. Wegofin Digital Solutions Private Limited, Having its Registered Office at Isprout Sohini Tech Park, Sy No. 142, 8th Floor - AI, Gachibowli, Seri Lingampally, Ranga Reddy District, Telangana

...APPELLANT/DEFENDANT

AND

M/s. Open Financial Technologies Private Limited, Having its Registered Office at 3rd Floor, Tower 2, RGA Tech Park, 18, Sarjapur Road, Carmelaram, Hadosiddapura Doddakannelli, Bengaluru - 560 035

...RESPONDENT/PLAINTIFF

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Order & the extension order passed in I.A.No. 355 of 2024 in COS No. 23 of 2024 dated 30.08.2024 & 10.09.2024 by the Hon'ble Special Judge for Trial and Disposal of Commercial Disputes Ranga Reddy District.

IA NO: 4 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dismiss the proceedings in COS No. 23/2024 pending before the Hon'ble Special Judge for Trial and Disposal of Commercial disputes, Ranga Reddy district, at LB Nagar as Infructuous.

**Counsel for the Appellant : Sri L. Ravichander, Senior counsel
represents Lakshmi Kumaran Sridharan**

Counsel for the Respondent : Sri Harshavardhan Abburi

The Court delivered the following Judgment :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

COMCA No.26 of 2024

JUDGMENT: (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. L. Ravichander, learned Senior Counsel represents M/s.Lakshmikumaran & Sridharan, learned counsel for the appellant.

Mr. Harshavardhan Abburi, learned counsel appears for the respondent.

2. With the consent of learned counsel for the parties, this appeal is taken up for final disposal.

3. This Appeal under Section 13 (1) of the Commercial Court, Commercial Division and Commercial Appellate Division of the High Court Act, 2015, has been filed against the order dated 30.08.2024 by which the Court of the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District at L.B. Nagar (hereinafter referred to as 'the Commercial Court'), has granted an *ex parte* order of ad interim injunction in the Interlocutory Application filed by

the respondent/plaintiff restraining the appellant from launching of showcasing the infringing material on the website or at Global Fintech Fest or any other forum pending disposal of the suit.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant is in the business of providing technical and commercial technology solutions and services including end-to-end solutions to various entities including AI powered Connected Banking, Disburse X (payout product), Acquire X (merchant on boarding and transaction management product) and issue X (Bank-side solution).

5. The respondent/plaintiff filed a suit seeking the relief of permanent injunction restraining the defendant, its officers, servants, agents and any person acting for and on behalf of the defendant from using/reproducing/copying/editing in any form whatsoever. Along with the plaint, an application for temporary injunction was also filed.

6. The Commercial Court passed an order on 30.08.2024 which reads as under:

“Upon motion made unto this court by Harshvardhan Abburi, Counsel for the Petitioner/Plaintiff and upon perusing the affidavit of the petitioner and material papers in support thereof, this court doth order to grant *ex parte* ad-interim injunction restraining the Respondent/Defendant from continuing to showcase the infringing material on their website or at Global Fintech Fest or any other forum, till 10.09.2024.”

7. The validity of the aforesaid *ex parte* interim order was challenged in this appeal on the ground that the aforesaid *ex parte* interim order has been passed without assigning any reasons.

8. Thereupon, a Bench of this Court by an order dated 24.09.2024 admitted the appeal and suspended the impugned order passed by the Commercial Court.

9. Thereafter, another order was produced on behalf of the respondent which was passed on the same date i.e., 30.08.2024. The aforesaid order is a speaking order in which reasons have been assigned. Thus, it is evident that the learned Judge of the Commercial Court passed two orders on the same

day i.e., 30.08.2024 on I.A.No.355 of 2024 in C.O.S.No.23 of 2024. Both the orders are at variance with each other. The Registrar (Judicial) is directed to put up this matter on the administrative side before the Chief Justice.

10. Learned Senior Counsel for the appellant submitted that the cause in the aforesaid suit does not survive for consideration and therefore, the plaint itself be rejected.

11. On the other hand, learned counsel for the respondent has supported the order passed by the Commercial Court.

12. We have considered the rival submissions made on both sides.

13. The *ex parte* ad interim order was passed on 30.08.2024. Thereafter, the appellant has been served with the notice. Therefore, in the peculiar facts of the case, both the orders dated 30.08.2024 passed in I.A.No.355 of 2024 in C.O.S.No.23 of 2024 by the Commercial Court are hereby set aside. The appellant undertakes to file counter to the application seeking temporary injunction within one week

from today. The Commercial Court thereafter shall hear the parties and decide the application by a speaking order within a period of one week thereafter.

14. Accordingly, the appeal is disposed of. Needless to state that it will be open for the appellant to raise the issue with regard to the maintainability/continuance of the suit before the Commercial Court.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

Sd/- M. VIJAYA BHASKER
JOINT REGISTRAR

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SECTION OFFICER

To

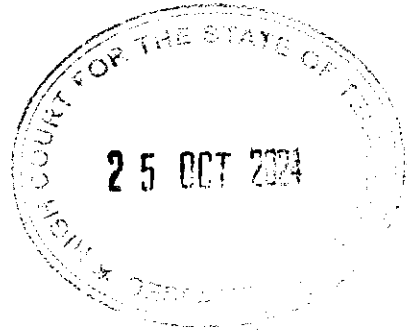
1. The Registrar (Judicial-I), High Court for the State of Telangana at Hyderabad.
2. The Special Judge for Trial and Disposal of Commercial Disputes Ranga Reddy District at L.B.Nagar. (With Records if any)
3. One CC to Sri Lakshmi Kumaran Sridharan, Advocate [OPUC]
4. One CC to Sri Harshavardhan Abburi, Advocate [OPUC]
5. Two CD Copies

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**HIGH COURT
DATED:25/10/2024**

**JUDGMENT
COMCA.No.26 of 2024**



DISPOSING OF THE COMCA

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25/10/24
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