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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:04.11.2026	Pronounced on: 20.11.2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI

OA.Nos.411, 412 & 549 of 2026 and
A. Nos.3099, 3100 & 3894 of 2026
in C.S. (Comm.Div) No.130 of 2026

OA No. 411 of 2026

Maxyfi Tech Private Limited and another
Having its registered Office at Apex Chambers
New. Door No. 35 Old Door No. 20 6th Floor
Thyagaraya Road T. Nagar Chennai 600 017
Mr.Thilak Raju
12, Gopalkrishnan Street,
T.Nagar, Chennai-600017

..Applicant(s)

Vs

1.Maxyfi LLC and 2 others
Rep by its Registered Agent,
Having registered office at
8 The Green, Suite D,
Dover City, Delaware-19901
2. Abdullah.PB
Having Office at
M200, Cactus Corporate Coworking,
1st Floor, Block B , Tecci Park, OMR,
Sholinganallur, Chennai-600119
3. Ashraf Ali
6032-Pedregal Drive,
Parker, Colorado-80134

..Respondent(s)

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OA No. 412 of 2026

Maxyfi Tech Private Limited and another
Having its registered Office at Apex Chambers
New. Door No. 35 Old Door No. 20 6th Floor
Thyagaraya Road T. Nagar Chennai 600 017
Mr.Thilak Raju
12, Gopalkrishnan Street,
T.Nagar, Chennai-600017

..Applicant(s)

Vs

1.Maxyfi LLC and 2 others
Rep by its Registered Agent,
Having registered office at
8 The Green, Suite D,
Dover City, Delaware-19901
2.Abdullah.PB
Having Office at
M200, Cactus Corporate Coworking,
1st Floor, Block B , Tecci Park, OMR,
Sholinganallur, Chennai-600119
3. Ashraf Ali
6032-Pedregal Drive,
Parker, Colorado-80134

..Respondent(s)

OA No. 549 of 2026

Maxyfi Tech Private Limited and another
Rep by its Director Mr.Thilak Raju,
Having its registered Office at Apex Chambers
12 Gopalkrishnan Street T Nagar
Chennai 600 017
Mr.Thilak Raju
12, Gopalkrishnan Street,
T.Nagar, Chennai-600017

..Applicant(s)

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Vs

1. Maxyfi LLC and 7 others
12 Gopalkrishnan Street T Nagar
Chennai 600 017
2. Abdullah.PB
Having Office at
M200, Cactus Corporate Coworking,
1st Floor, Block B , Tecci Park, OMR,
Sholinganallur, Chennai-600119
3. Ashraf Ali
6032-Pedregal Drive,
Parker, Colorado-80134
4. Microsoft Corporation India Private Limited
Rep.by its Authorised Signatory, 471, 2nd
Floor, Prestige Polygon,
Anna Salai, Ratna Nagar,
Teynampet, Chennai 600 018.
5. Amazon Web Services Inc
Represented by its Authorised Signatory
410 TerryAve N Seattle,
Washington 98109.
6. Amazon Web Services India Private Limited
Rep.by its Authorised Signatory
Unit Nos.1401 to 1421
International Trade Tower,
Nehru Place, New Delhi 110 019.
7. Atlassian Corporartion
Rep.by its authorised Representative, Having its
Global HQ (US) at 350
Bush Street, Floor 13, San Francisco CA 94104
USA.
Also at
4th Floor, 5th Floor,
Divasree Greens, Sy No.12/1, 12/2A, 13/1A
Chalaghatta Village,
Bengaluru Urban,
Karnataka 560 071.

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8. Mongo DB Inc
Rep.by its Authorised Representative, Having its Headquarters, at 1633 Broadway, 38th Floor, new York BY 10019
Also at Unit No.201, 2nd Floor, Vaswani Centropolis, 21, Langford Road, Akkithimana Halli, Bengaluru 560 027.

..Respondent(s)

A Nos. 3099 & 3100 of 2026

1. Abdullah P B
Having Office at, M200, Cactus Corporate Coworking, 1st Floor, Block B, Tecci Park, OMR, Shollinganallur, Chennai 600 119.
2. Ashraf Ali
6032, Pedregal Drive, Parker, Colorado - 80134

..Applicant(s) in both Applications

Vs

1. Maxyfi Tech Private Limited
rep by its Director Mr Thilak Raju
2. Thilak Raju
12, Gopalakrishnan Street, T. Nagar, Chennai - 600 017
3. Maxyfi LLC rep by its Registered Agent
8, The Green, Suite D, Dover City, Delaware - 19901

..Respondent(s) in both Applications

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A. No.3894 of 2026:-

Amazon Web Services India Private Limited
Rep by its Authorised Signatory Rahul Narayanan
Unit Nos. 1401 to 1421,
International Trade Tower,
Nehru Place, New Delhi 110019 ... Applicant

Vs.

1. Maxyfi Tech Private Limited
Rep by its Director Mr Thilak Raju
Having its registered Office at
Apex Chambers New. Door No. 35
Old Door No. 20 6th Floor Thyagaraya Road
T. Nagar Chennai 600 017
Also having office at
M200, Cactus Corporate Coworking,
1st Floor, Block B , Tecci Park, OMR,
Sholinganallur, Chennai-600119
2. Mr Thilak Raju
12, Gopalkrishnan Street,
T. Nagar, Chennai 600017
3. Maxyfi LLC
Rep. by its Registered Agent,
Having its registered Office at 8
The Green, Suite D, Dover City, Delaware 19901
4. Abdullah PB
Having Office at, M200, Cactus Corporate Coworking,
1st Floor, Block B, Tecci Park, OMR, Shollinganallur,
Chennai 600119

5. Ashraf Ali,
6034- Pedregal Drive, Parker, Colorado – 80134

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6. Microsoft Corporation India Private Limited
Rep. by its Authorised Signatory, #471, 2nd Floor,
Prestige Polygon, Anna Salai, Ratna Nagar,
Teynampet, Chennai 600018
7. Amazon Web Services Inc
Represented by its Authorised Signatory,
410 Terry Ave N Seattle,
Washington 98109, United States
8. Atlassian Corporation
Rep. by its Authorised Representative, Having its Global HQ US at 350 Bush Street Floor 13 San Francisco, CA 94104 United States
Also at, 4th Floor, 5th Floor, Divyasree Greens Sy No 12/1, 12/2A, 13/1A, Chalaghatta Village Bengaluru Urban Karnat

9. MongoDB Inc
Rep. by its Authorised Representative,
Having its Headquarters at 1633 Broadway,
38th Floor, New York, NY 10019
Also at, Unit No. 201, 2nd Floor,
Vaswani Centropolis, 21, Langford Road,
Akkithimana Halli, Bengaluru 560 027

....Respondent(s)

IN C.S(COMM DIV) No. 130 of 2026

1. Maxyfi Tech Private Limited
2. Mr.Thilak Raju
   12, Gopalkrishnan Street,
   T.Nagar, Chennai-600017

Appellant(s)

Vs

1. Maxyfi LLC
   Rep. by its Registered Agent,
   Having its registered Office at
   8 The Green, Suite D.
   Dover City, Delaware - 19901.

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2. Abdullah.PB
Having Office at
M200, Cactus Corporate Coworking,
1st Floor, Block B , Tecci Park, OMR, Sholinganallur,
Chennai-600119
3. Ashraf Ali
6032-Pedregal Drive, Parker, Colorado-80134

Respondent(s)

PRAYER in OA No. 411 of 2026: This Original Application is filed to grant an order of Ad Interim Injunction restraining the Respondents and their men, agents, servants, representatives, and persons acting for and on behalf of the Respondents from in any manner infringing, tampering, changing access codes, sharing/dealing with the Intellectual Property Rights to the 1st Applicant including but not limited to debt recovery software, together with its source code, object code, algorithms, architecture, design documentation, user interface, databases, and all associated technical materials, in any form whatsoever which may prejudice the interest of the 1st Applicant or its customers, pending disposal of the suit.

PRAYER in OA No. 412 of 2026: This Original Application is filed to grant an order of Ad Interim Injunction restraining the Respondents from alienating any Intellectual Property of the 1st Applicant, pending disposal of the suit.

PRAYER in OA No.549 of 2026: This Application is filed to grant an order of (a) Direct the Respondent Nos.4 to 8 to grant the 2nd Applicant full administrative access privileges to all their respective accounts, platforms and services registered in the name of the 1st Applicant and the Maxyfi LLC, including but not limited to user management configuration, billing and security controls and to further ensure uninterrupted access and control by the 2nd Applicant over such services.

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(b) Grant an Order of Ad-interim Injunction restraining the Respondents 4 to 8 from permitting the Respondents 1 to 3 from transferring, deleting, erasing, modifying, or otherwise tampering with any data, records, or information stored on their servers pertaining to the 1st Applicant and to further ensure preservation and integrity of all such data, including backups, logs and metadata, so as to safeguard the 1st Applicant's rights.

PRAYER in A No. 3894 of 2026: This Application is filed to vacate the order dated 10 June 2026 passed in O.A. 549 of 2026.

PRAYER in A No. 3099 of 2026: This Application is filed to vacate the Interim injunction Order granted in OA.No.411 of 2026 in C.S.(Comm.Div) No.130 of 2026 dated 30.04.2026, for the reasons stated in the Common Affidavit of the Applicants.

PRAYER in A No. 3100 of 2026: This Application is filed to vacate the Interim injunction Order granted in OA.No.412 of 2026 in C.S.(Comm.Div) No.130 of 2026 dated 30.04.2026, for the reasons stated in the Common Affidavit of the Applicants.

For Applicant(s): Mr.S.R.Raghunathan for
Mr.Manjunath Karthikeyan
Applicant in OA. Nos.549, 411
& 412 of 2026 and
for R1 & R2 in A. Nos.3099, 3100 &
3894 of 2026
Mr.P.Giridharan,

For Respondent(s): Mrs.Pavithra Sundararajan, for R1
in O.A. Nos. 549, 411 & 412 of 2026
and R3 in A. Nos.3099, 3100 & 3894 of 2026
Mr.Pawan Jhabak for
Mr.Vinodh Prabhu
for R2 & R3 in O.A. Nos. 549, 411
& 412 of 2026 and

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For Applicant in A. Nos.3100, 3099 of 2026
R4 & R5 in A. No.3894 of 2026
Mr.Arun Karthik Mohan, for R6
in O.A. No.549 of 2026
and A. No.3894 of 2026

COMMON ORDER

The suit has been filed by the plaintiffs for a permanent injunction to restrain the defendants from in any manner sharing/dealing with the intellectual property rights of the first plaintiff, including but not limited to debt recovery software, together with source code, object code, algorithms, architecture, design documentation, user interface, databases, and all associated technical materials, in any form whatsoever, which may prejudice the interest of the 1st Plaintiff or its customers and also for a permanent injunction to restrain the defendants or anybody claiming through them, from in any manner infringing the copy rights of the plaintiffs and an order of delivery against the defendants for return of proprietary material of first plaintiff and for compensation to the tune of Rs.10,00,000/-.

2. Pending the suit, the applicant/plaintiff has taken out O.A. Nos.549, 411 and 412 of 2026, for interim injunction. Pending disposal of the suit, this Court by order dated 30.04.2026, prima facie found that the second plaintiff owns a controlling interest in the first plaintiff and that the first plaintiff is the

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owner of the debt collection software and therefore, the plaintiff was entitled to an interim injunction in both the original applications. Seeking to vacate the said interim orders that were subsequently extended from time to time, A.Nos.3099, 3100 & 3894 of 2026, have been filed. All these applications have been heard together.

3. I have heard Mr.S.R.Ragunathan, for Mr.Manjunath Karthikeyan, learned counsel for the plaintiff and Mr.Pawan Jhabak, learned counsel for the contesting respondents/defendants and Mr.P.Giridharan, learned counsel for the first defendant in the suit.

4. ARGUMENTS OF MR.S.R.RAGUNATHAN, LEARNED COUNSEL FOR THE PLAINTIFF ARE SUMMARISED AS HEREUNDER:

- The suit has been filed for copy right infringement and permanent injunction.
- The second plaintiff, Thilak Raju is an 88% share holder as well as the Director of the first plaintiff Company and the second defendant, Mr.P.B.Abdullah, is the owner of the remaining 12%

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share and is also a Director of the first plaintiff company.

- The first defendant is the US entity which is a single member Company of the first plaintiff of which, the second defendant Thilak Raju is a 100% share holder. The third defendant Mr.Ashraf Ali, who is non share holder Director, whose tenure has also come to end, was appointed as a representative of the first plaintiff's Company to represent it with US clientele. The said Mr.Ashraf Ali, third defendant was removed from employment by communication dated 03.05.2026 and in his place, the second plaintiff appointed one Mr.Sanjai Shah.
- At the outset, Mr.S.R.Ragunathan, learned counsel would invite me to the plaint averments and allegations and the written statement filed by the defendants 2 and 3 who are now seeking to vacate the interim injunction granted in favour of the applicants/plaintiffs.
- He would specifically draw my attention to Paragraph Nos.6 and 10 of the plaint, where the first plaintiff is claimed to have developed the debt recovery software and there is also a claim that the second defendant is an employee of the first plaintiff company.

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- Side by side, he took me through the written statement filed by the defendants 2 and 3 and drawing my attention to the paragraph Nos.17, 18 and 20, Mr.S.R.Ragunathan, learned counsel would contend that the defendants admit that the first plaintiff holds intellectual property rights to the software and that it was developed by the plaintiff. He would therefore state that having admitted the rights of the plaintiff categorically in the written statement, then nothing more was required for the applicants/plaintiffs establish and in fact, he would contend that the plaintiff is even entitled to seek a judgment on admission.
- He would also state that even the documents that have been filed by the defendants 2 and 3 along with written statement clearly point only to the fact that the software was developed by first plaintiff and the first plaintiff was consequently, the owner of all patents, copy rights and intellectual property rights.
- Meeting the legal and technical objections that have been raised in the vacate stay application, Mr.S.R.Ragunathan, learned counsel would contend that the suit cannot be dismissed or held to be not maintainable on the ground that it is not in compliance with Order

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29 of CPC.

- In this regard, he states that the second plaintiff is not merely a share holder but also a Director of the first plaintiff Company and by virtue of Rule 1 of Order 29, the suit is certainly maintainable in the eye of law.
- In this regard, he would rely on *United Bank of India V. Naresh Kumar and Ors,* in *(1996) 6 SCC 660 para 10*.
- As regards the plea that the suit being a derivative action by the second plaintiff, being not maintainable, he would rely on my order in *Infusion Hospitality V. Japteg Singh,* reported in *(2024) SCC Online Madras 12252,* and a decision in *Dr.Satya Charan Law & Others V. Rameshwar PRasad Bajoria,* in *AIR 1950 FC 133.*
- As regards the allegations of the contesting defendants that the second plaintiff's share holding is disputed by them, he would contend that such a plea is immaterial for the purposes of the suit claim which is only relating to protection of the intellectual property rights of the first plaintiff and especially when the second plaintiff does not any claim any relief for himself.

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- He would further state that even otherwise, there is a bar under Section 89(8) of the Companies Act read with Section 4 of the Benami Prohibition Act to contend that the second plaintiff is not owning 88% shares in the first plaintiff Company.
- Insofar as the reference to alleged *inter se* agreement with the other Directors, Mr.S.R.Ragunathan, learned counsel, would contend that admittedly as on date, the Company has been constituted with 88% share holding of the first plaintiff and 12% share holding of the second defendant and it is not open to the defendants 2 and 3 to contend that there are two other shareholders in the Company.
- He would also rely on the Operating Agreement dated 19.01.2022, where also the second plaintiff is shown as the sole member. Insofar as the claim that though notices have been issued to the very same address that has been shown as the registered address of the second plaintiff, the second plaintiff has evaded notice in the suit filed before the US Court. Mr.S.R.Ragunathan, learned counsel would contend that if suit summons are served and such service of summons acceptable to the US Court, then it is always open to the defendants to proceed to get exparte relief against the

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second plaintiff and there is no relevance as far as this suit is concerned with regard to whether the plaintiff, receiving, evading or refusing to enter appearance before the US Court in the suit filed by the contesting defendants 2 and 3. He would also invite my attention to Section 17(c) of the Copy Right Act to contend that the second defendant and Mr.Joshy Vacorcky Francis, were in employment with the 1st plaintiff alone.

❖ Mr.S.R.Ragunathan, learned counsel would rely on the invoices that have been filed by the defendants 2 and 3, which evidence the fact that the second defendant was never employed with the first defendant, but always employed with the first plaintiff. He would further state that the Master Services Agreement that is relied on is actually the trigger for the present suit. The said agreement speaks of only future work and not past work and even the assignment is only in respect of the residue and the said Master Services Agreement has been signed by the second defendant alone, representing the first plaintiff, for which there is no Board Resolution in favour of the second defendant. The other party to the said Master Services agreement is the third defendant who has

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signed the agreement on behalf of the first defendant. He would therefore state that the said Master Services Agreement is not binding on the plaintiffs and apart from the said Master Services Agreement, there is absolutely, no iota of evidence to establish that the first defendant is the developer of the software.

- He would lastly submit that it is very relevant that the defendants 2 and 3 are not claiming copy right in themselves but setting up a case that the first defendant owns the Copy Right. In this regard, he relied on the written statement filed by the first defendant where the first defendant, in no uncertain terms, admits the copy right of the first plaintiff and that the first defendant is only the sales and support Centre of the first plaintiff in the United States of America.
- He would therefore states that the plaintiffs have established a prima facie case and balance of convenience and further, if the injunction is not made absolute, the applicants/plaintiffs will be put to irreparable loss and hardship. He would therefore pray for the injunction petition being allowed and the vacate injunction petition is being dismissed.

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5. Mr.P.Giridharan, learned counsel for the first defendant would contend that the first defendant has admitted to the fact that the first plaintiff is the owner of the Intellectual Property Rights and the first defendant is not claiming any properietory right or interest over the software developed by the fist plaintiff. He would also explain the role of the first defendant as contended by Mr.S.R.Ragunathan, learned counsel in his submissions. He would therefore state that the first defendant is in fact, accepting the case projected by the plaintiffs/applicants and suitable orders may be passed.

6. Mr.Pawan Jhabak, learned counsel representing the contesting respondents 2 and 3, who have filed the application to vacate the interim injunctions granted in favour of the applicants and remains in force as on date would contend that firstly, the suit is liable to fail on the ground that there is no Board Resolution filed by the first plaintiff and reliance cannot be placed on Order 29, Rule 1 CPC, which is inapplicable to the facts of the present case. In this regard, he would place strong reliance on the decisions of the Hon'ble Supreme Court in *Nibro Limited Vs. National Insurance Company Limited,* reported in *(1991) ILR 2 Delhi 172, Dale and Carrington Invt. (P) Ltd., and Ors Vs. P.K.Parathapan and Ors,* reported in *AIR 2005 SC 1624* and *Lucas*

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Indian Services Limited Vs. Sanjay Kumar Agarwal, reported in *(2010) SCC Online Delhi 2888.*

7. The next legal submission canvassed by the learned counsel for the contesting respondents 2 and 3 is that by way of an argument in demurrer is that the suit has been filed by the second plaintiff in the capacity of being a shareholder of the first plaintiff and it is a clearly a derivative action and therefore, the suit itself is not maintainable. He would further state that the proceedings are only aimed at servicing the personal interests of the second plaintiff and not to protect the interest of the first plaintiff, as claimed or contended by the learned counsel for the applicant/plaintiff. In this regard, he states that the reliance on my decision in *Infusion Hospitality's* case (referred herein supra), is wholly inapplicable to the facts of the present case.

8. He would also, in great detail, take me through the facts in *Infusion Hospitality's* case (referred herein supra), and as to how on the given facts, the case was decided in that case by me and how the facts of the present case are entirely on a different footing and therefore, the ratio laid down in *Infusion Hospitality's* case (referred herein supra), will be wholly inapplicable. He

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would also state that though the first plaintiff claims to be the Copy Right owner, the first plaintiff has not paid any subscription amounts to justify or establish its ownership and it is only the first defendant who has paid necessary subscription fees. He would also rely on a flow chart which has been filed by the plaintiffs in their typed set of documents to contend that when the plaintiff claimed that the software was developed and market ready by December 2022, the first plaintiff being incorporated only on 18.11.2022, it was really fanciful and nearly impossible for the first plaintiff to have developed the software in such lightening speed.

9. He would further state that the second plaintiff has filed the instant suit only to avoid an understanding reached between the co founders, since the year 2022, in and by which, the second plaintiff had committed to allocate shares as sweat equity bonus, out of the 4% shares held by the first plaintiff and also to engage an Indian Legal Firm to formally allocate the shareholding pattern in 2025. He relies on the documents that have been filed by the defendants 2 and 3, to support such claims in this regard. He would further state that despite attempts to serve the second plaintiff in the suit filed by the defendants 2 and 3 in the US Court, the second plaintiff has conveniently avoided appearing in the

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US Court and his conduct should be taken note of before entitling him to any discretionary and equitable relief. He would further contend that the Incorporation Certificate of the first plaintiff Company carries a Corporate Identification Number with a National Industrial Classification Code which relates to data processing and facility management alone and not software supply development. He would therefore state that the admitted Incorporation Certificate of the first plaintiff gives away its bluff that the first plaintiff has developed the software. He would further state that with regard to the admissions in the written statement, which have been strongly relied on by the learned counsel Mr.S.R.Ragunathan, he would submit that though certain admissions have been made, it is always open to the defendants to explain such admission and the said averments admitting the ownership of the Intellectual Property Rights of the first plaintiff should not be put against the defendants 2 and 3. He would therefore pray for the injunction orders being vacated and the Original Application Nos.411 and 412 being dismissed.

10. I have carefully considered the submissions advanced by the learned counsel on either side. I have also considered the decisions that have been relied on by the learned counsel for the parties.

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11. Firstly, I do not see any necessity for any roving enquiry to be conducted with regard to the ownership of the Intellectual Property Rights vesting at the hands of the first plaintiff, for more than one reason. As on date, the defendants 2 and 3, have filed their written statement where they have categorically and in unequivocal terms admitted that the first plaintiff is the owner of the said rights. No doubt, as contended by the learned counsel Mr.Pawan Jhabak, appearing for the defendants 2 and 3, the defendants 2 and 3 are entitled to explain the admission. Unfortunately, I am unable to be carried away by such arguments for the simple reason that excepting for such submissions made during the course of argument, there is not even an affidavit filed till date, explaining the admissions made in no uncertain terms that the first plaintiff is the owner of the Intellectual Property Rights.

12. Secondly, the first defendant in whose name, the defendants 2 and 3 claim that the rights vests, has come on record by filing written statement, admitting to the fact that the first plaintiff is the owner of the Intellectual Property Rights. Therefore, as rightly contended by Mr.S.R.Ragunathan, learned counsel as on date, there is nothing to discredit the rights and interest of the applicant/plaintiff. Therefore, a prima facie case is clearly stands made out

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for grant of an interim injunction.

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13. As regards the objections with regard to Order 29 Rule 1 CPC, derivative action etc, these are certainly technical objections that are being taken by the defendants 2 and 3. However, when the second plaintiff is admittedly as on date, owing 88% shares and it is also a Director of the first plaintiff Company and the relief sought for in the suit are only enuring the benefit of the first plaintiff, I do not see how the second plaintiff cannot maintain the suit. Though the defendants 2 and 3, may be right in contending that there is no Board Resolution, on the facts and circumstances of the present case, when the only admitted other shareholder owing 12%, according to the plaintiff, is acting against in the interest of the plaintiffs, the second plaintiff being the majority share holder cannot expect the necessary Board Resolution to be passed authorising the second plaintiff to file a suit.

14. The Federal Court decision in *Dr.Sathya Charan Law*'s case (referred herein supra), in fact, clinches the issues on this point. The Federal Court held that ordinarily the Directors of a Company are the only persons who can conduct litigation in the name of the Company, but when they themselves are

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the wrong doers and have acted malafide and beyond the powers and their personal interest in the conduct with the duty in such a way that they cannot or will not take steps to seek redress for wrong done to the Company, the majority of the share holders are entitled to take steps to file a suit in the name of the Company and it would be maintainable. The ratio laid down in Federal Court would apply in all force to the facts of the present case. Therefore, prima facie, I am unable to see any merit in the arguments of the defendants 2 and 3 that the suit is not maintainable.

15.Though, Mr.Pawan Jhabak, learned counsel has relied on decisions with regard to authority to file a suit, the said decisions were decided on facts of those cases before the Court, and as I have already discussed herein above, the facts in *Dr.Sathya Charan Law*'s case (referred herein supra), are more or less, identical to the facts of the present case and the decision of four judges of the Federal Court can be strightaway applied and therefore, I do not see how the other decisions rendered on entirely different factual matrix can be pressed into service to hold that a suit instituted by the second plaintiff as a majority shareholder and Director can be thrown out on the ground that the second plaintiff has no authority to represent the first plaintiff.

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16. As regards, the nature of business and CIN reflected in the Incorporation Certificate as first plaintiff, the Memorandum of Articles clearly includes the subject of software and therefore, when the Company is incorporated on the basis of the said Memorandum of Articles, I do not see how such a hyper technical reference to CIN number in the Incorporation Certificate can be given any weightage that too, against the purposes and objects stated in the Memorandum of Articles of the Association of the first plaintiff.

17. Further, what is more relevant is that the defendants 2 and 3, do not claim any right in themselves, but they only claim that the first defendant is the owner of the intellectual property rights. However, the first defendant itself has come on record in the suit by filing a written statement contending that they are not claiming any rights for the intellectual property rights and on the contrary, they have admitted to the fact that the first plaintiff is the owner. Therefore, I do not see how defendants 2 and 3, can persist with a case that the first defendant is the owner of the intellectual property rights and not the first plaintiff. The defendants 2 and 3 cannot canvass or speak for the first defendant, in any manner especially when the first defendant is a separate legal

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entity by itself.

18. Though various other arguments touching the factual matrix were made and points have been summarised hereinabove, and decisions have also been relied on, when the defendants 2 and 3 have admitted to the ownership of the intellectual property rights being with the first plaintiff, I do not see any necessity to dwell any further, dealing with the other arguments addressed by learned counsel.

19. For all the above reasons, I am inclined allow the O.A. Nos.411, 412 & 549 of 2026 and interim injunction granted on 30.04.2026 & 10.06.2026 and extended from time to time in O.A. Nos.411, 412 & 549 of 2026 is ***made absolute*** and consequently, vacate injunction petitions in ***A. Nos.3099, 3100 & 3894 of 2026 are dismissed***.

20-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKP

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P.B.BALAJI, J.

RKP

OA.Nos.411, 412 & 549 of 2026 and
A. Nos.3099, 3100 & 3894 of 2026
in C.S. (Comm.Div) No.130 of 2026

20-11-2026

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