

ITEM NO.44

COURT NO.12

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos. 11859-11860/2026

[Arising out of impugned final judgment and order dated 09-07-2025 in A.No. 3124/2025 in C.S. (Comm. Div) SR. No. 1493/2025 and 25-02-2026 in A.No. 736/2026 in C.S. (Comm. Div) SR. No. 179/2025 passed by the High Court of Judicature at Madras]

ESDS SOFTWARE SOLUTION PVT. LTD.

Petitioner(s)

VERSUS

SUSE LLC

Respondent(s)

(IA No. 85174/2026 - CONDONATION OF DELAY IN FILING and IA No. 85175/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 15-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. K. Parameshwar, Sr. Adv.
Mr. Shrirang Bharat Varma, AOR
Mr. Harsh, Adv.
Mr. Harshvardhan Ghadge, Adv.

For Respondent(s) :

Mr. Huzefa A. Ahmadi, Sr. Adv.
Mr. Vineet Subramani, Adv.
Ms. Sonali Jain, AOR
Mr. Ashray Chopra, Adv.
Ms. Anjali Singariya, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

Challenge in these special leave petitions is to the orders dated 09.07.2025 and 25.02.2026 passed by the High Court of Judicature at Madras.

In the order dated 25.02.2026, the High Court specifically

observed in paragraph 6 that, in spite of having the option of applying for revocation of leave, the defendant had not exercised such option. Significantly, the petitioner/defendant acted upon the aforestated observation of the High Court and filed an application on the very next day, i.e., on 26.02.2026, to revoke leave.

The present special leave petitions were filed on 01.03.2026, wherein no mention whatsoever was made of the fact that such a revocation application had been filed. Unaware of this fact, this Court granted an interim order in favour of the petitioner on 23.03.2026.

However, the aforestated facts clearly show that the very filing of the special leave petitions amounted to abuse of process, as it was incumbent upon the petitioner to disclose the full facts and more so, that it had already filed a revocation application before the filing of the special leave petitions.

The special leave petitions are, accordingly, dismissed on this short ground.

The interim order dated 23.03.2026 shall stand vacated.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
DEPUTY REGISTRAR

(KOMAL)
COURT MASTER (NSH)