

**Application No.5018 of 2015****K.RAVICHANDRABAABU.,J.**

This application is filed seeking leave to sue the respondents/defendants.

2. The applicant as the plaintiff seeks to file the above suit for permanent injunction restraining the respondents herein from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in medicinal and pharmaceutical preparations under the trade mark "SUNKARE" along with a deceptively similar colour scheme, get up and lay out for the packaging or any other mark deceptively similar to plaintiff's trademark "SUNCROS" and to pass off their products as that of the plaintiff's product in any manner and for the other reliefs.

3. The respondents/defendants are situated outside the jurisdiction of this Court. It is stated that the plaintiff is having its office and carrying on business at Chennai within the jurisdiction of this Court and the respondents/defendants products bearing the marks "SUNKARE" along with the deceptively similar package is commercially available in Chennai within the jurisdiction of this Court. Thus, it is contended that part of cause of action has arisen against these respondents/defendants for filing the present suit before this Court.

4. Heard Mr.P.S.Raman, learned senior counsel appearing for the applicant and perused the materials placed before this Court.

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5. Learned senior counsel invites this Court's attention to the cash bill regarding the purchase of the impugned product of the defendants at Chennai.

6. Considering the fact that the applicant/ plaintiff is having the branch office at Chennai and the said impugned product is commercially available for sale at Chennai, this Court is of the view that part of cause of action has arisen for the applicant to file the present suit as against the respondents/defendants even though they are situated outside the jurisdiction of this Court. Therefore, this application is allowed.

29.07.2015

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**Note:**

Registry is directed to post  
the connected applications  
if they are otherwise in order  
on 31.07.2015

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