

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.No.64 of 2016

Renault Nissan Automotive India Pvt. Ltd.,
Having its registered office at:
Plot No.1, SIPCOT Industrial Estate,
Oragadam, Mattur (PO)
Kancheepuram 602 105
Tamil Nadu.
Represented by its Authorised Signatory
Simon Tippet Appellant

vs.

Ambalal M Shah & Co.,
Having its head office at
1st Floor, Bell-E-Vista
Race Course, Chakli Circle
Vadodara 390007
Gujarat
Represented by Vikash A Jain, Partner ... Respondent

Original Side Appeal filed under Order 36 Rule 9 of
O.S.Rules r/w clause 15 of the letters patent to set aside the
order and decreetal order dated 15.12.2015 passed by the
learned Judge in Application No.3992 of 2015 in C.S.D.19771 of
2015, on the file of this Court and allow the appeal.

For Appellant : Mr.Pramod Nair

For Respondent : Mr.K.Harishankar

JUDGMENT

[Judgment of the Court was made by RAJIV SHAKDHER, J.]

1. Mr.Pramod Nair, who appears for the appellant, seeks
to withdraw this appeal.

1.1. Learned counsel says that, in view of the impugned
judgment and order, the appellant would sue, if advised, at
the place where the respondent resides, viz., Vadodara.

2. Mr.K.Harishankar, who appears for the respondent, says that the respondent cannot have any objection to the institution of an action at its place of business, which is at Vadodara, and is morefully described in the cause title to the appeal.

3. To be noted, according to the appellant, jurisdiction lies at a place other than Vadodara as well. In such an eventuality, the respondent would be at liberty to contest the institution of the proceedings on merits as well as on jurisdiction.

4. The appeal is dismissed as withdrawn with the aforesaid observations in place. There shall, however, be no order as to costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To:

The Sub Assistant Registrar,
Original Side,
High Court, Madras-104.

+1cc to Mr.K.Harishankar, Advocate sr.58094

O.S.A.No.64 of 2016

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