

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION  
LEAVE PETITION NO. 39 OF 2018**

S Narendra Kumar & Co

...Petitioner

*Versus*

Aachi Masala Foods (P) Ltd & Anr

...Respondents

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**Ms M Mohanty, i/b M/s SK Srivastav & Company, for the Petitioner**

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**CORAM: G.S. PATEL, J**

**DATED: 15th February 2018**

**PC:-**

1. The Petition is for leave under Clause XII of the Letters Patent. This is an action in infringement and passing off. A material part of the cause of action has arisen in Mumbai and in any case the provisions of Section 62(2) of the Copyright Act 1957 and Section 134 of the Trade Marks Act 1999 will apply. The Defendants are outside the jurisdiction of this Court. I am satisfied that with leave granted under Clause XII of the Letters Patent, this Court will have the necessary jurisdiction to try and entertain the suit.

2. Leave granted. The Petition is made absolute.

**(G. S. PATEL, J)**