

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 26TH DAY OF APRIL 2018

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A.NO.3771 OF 2018
in
CSD.No.19152 of 2018

1.Aktiebolaget Volvo,
SE-405 08 Goteborg,
Sweden,
Rep.by Constituted Attorney,
Mr.Laxminarayan Hegde

2.Volvo Trademark Holding AB,
C/o AB Volvo,
SE-405 08 Goteborg,
Sweden,
Rep.by Constituted Attorney,
Mr.Laxminarayan Hegde

3.Volvo Car Corporation,
SE-405 31 Goteborg,
Sweden,
Rep.by Constituted Attorney,
Mr.Laxminarayan Hegde

..Applicants/Plaintiffs

Vs.

1.Volvo Industries (India)
35/2 Vivekanandan Farm,
Nagaramalai Adivaram,
Salem 636004 Tamil Nadu,
Through its proprietor,
Mr.Babulal Choudhary

2.Lakshmi Appliance,
5/2 Veerapandiyar Nagar,
Near New Bus Stand,
Salem 636 004, Tamil Nadu,
Through its proprietor,
Mr.K.R.Choudhary

..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to grant leave to the applicants herein to sue the respondents before this Hon'ble Court.

This Application coming on this day before this court for hearing and the court made the following order:

This application has been filed by the plaintiffs seeking leave to institute the suit within the jurisdiction of this Court.

2. Section 134 of the Trade Mark Act deals with the place wherein the suit should be instituted. The plaintiffs carry on business at Chennai. The defendants carry on business at Salem. It is stated that the nature of their work offending the plaintiffs directly.

3. The suit had been filed not only for infringement, but also for passing off. With respect to passing off, it is stated that the defendants have an interactive website and anyone in Chennai, can also have access to the interactive website. Consequently, Leave is sought. Leave is granted and this Application is allowed. Office is directed to number the plaint if it is otherwise in order.

Sd./- C.V.K.J

26.04.2018

//Certified to be true copy//

Dated at Madras this the 26th day of April 2018.

COURT OFFICER (O.S.)

TR/26.04.2018

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