

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF MARCH 2019

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

A. No.2464 of 2019
in
C.S.D.NO.19441 OF 2019

M/s. Palepu Pharma Pvt Ltd,
Represented by its authorized signatory
Mr.Ramarao Sridhar,
No.1, Ramachandra Road,
Mylapore, Chennai 600 005

...Applicant/Plaintiff

-vs-

Thiruvannamalai District Consumer
Co-operative Society Wholesale Store Limited,
Collectorate, Master Plan Complex,
Vengikkal, Thiruvannamalai 606604

..Respondent/Defendant

This application praying that this Honble Court be pleased to the Applicant/Plaintiff to sue the Respondent/Defendant herein under Order III Rule 1 of the Original Side Rules read with clause 12 of the Letters Patent.

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

The present Application has been filed *inter alia* under Clause 12 of Letters Patent seeking 'Leave to Sue' the Defendant/Respondent before this Court.

2.A perusal of the proposed plaint that has been placed before this Court reveals that the entity shown as 'Plaintiff' in the proposed plaint is the 'Applicant' herein. Entities

shown as 'Defendant' in the proposed plaint are 'Respondent' respectively in the instant Leave to Sue Application.

3. For the sake of convenience, parties in the instant Application are referred to by their respective ranks in the proposed plaint.

4. It is seen that the present proposed Suit is for recovery of a sum of Rs.31,08,005/- (Thirty One Lakhs Eight Thousand And Five only) from the respondent herein. Further, it is revealed from the Affidavit that the Applicant/Plaintiff has been supplying pharmaceutical products to the respondent/defendant since 12.08.2016. On the basis of the orders received over phone or directly from the representatives of the Respondent/Defendant Company, pharmaceutical products have been supplied to them by Courier from the Applicant's office situated at Mylapore, Chennai.

5. Learned counsel for the Applicant/Plaintiff submitted that the amount due is against various invoices raised by the Applicant/Plaintiff on the Respondent/defendant for the period from 12.08.2016 to 17.11.2016 along with interest of 18% per annum. He further submitted that the sales in respect of which payments have not been made have been concluded in Mylapore, Chennai, which is within the jurisdiction of this Court. Therefore, it is the case of the learned counsel for the Plaintiff that this Court has jurisdiction to entertain and try the Suit.

6.Having perused the proposed plaint and the Affidavit filed in support of the instant Leave to Sue Application and in the light of the submissions made by learned counsel for the Plaintiff, this Court is convinced that cause of action has arisen for invoking the territorial jurisdiction of this Court and therefore, the Plaintiff is entitled to Leave to Sue as prayed for.

In the result, this Application is ordered as prayed for.

Sd./-S.V.N.J.
28.03.2019

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

R.s/28.03.2019

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