

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 03TH DAY OF April, 2019

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

A. No.2598 of 2019

in

C.S.SR.NO.40285 of 2019

Hyundai Merchant Marine India Pvt Ltd.,

Having its Registered office at

Ega Trade Centre, 3rd Floor,

Door No.318 (Old No.809)

Poonamale High Road,

Kilpauk, Chennai 600 010

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...Plaintiff/Applicant

A.No.2598/2019 in

C.S.SR.No.40285/2019

Vs.

1.Calyx Container Terminal Private Limited

No.28, GNT Road, (NH-5), Puzhal Junction

Kathirvedu Village, (Near Erattai Eri)

Chennai 600 066,

Rep.by its Director,

2. Headwin Exim Private Limited

Having its Registered Office at

No.116/2, 1st Floor,

11th Cross Street, Malleshwaram,

Bengaluru, Karnataka-560003,

Rep.by its Director,

3.M.K.Carbon,

No.506, 8th Main, 10th Cross,

Rajmahal Vilas Extension,

Sadashiv Nagar, Bangalore-560 080

4. Ujwal International,

Old No.34, New No.58,

Jaffer Sarang Lane,

Room No.103, Rajaji Salai,

Chennai - 600 001.

5. Ningxia TLH Group Company Limited

No.22, Beijing Road,

Yinchun, Ningxia, China

Rep.by its Director

6. Ningxia Wanboda Group Shares Company Limited
 No.552# Fenghuang Street,
 Yinchuan, Ningxia, China
 Rep.by its Director

...Defendants/Respondents
 A.No.2598/2019 in
 C.S.SR.No.40285/2019

Application praying that this Hon'ble Court be pleased to pass grant leave to sue to the Defendants 1,2,3,5 and 6.

This Application coming on this day before this court for hearing and 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 Defendants 1, 2, 3, 5 and 6/Respondents 1, 2, 3, 5 and 6 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 'Defendants' in the proposed plaint are 'Respondents' 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. According to the Plaintiff, they are carrying on business as a Shipping Line, Container Operator and Ocean Carriers, globally and they are a wholly owned subsidiary of Hyundai Merchant Marine Co. Ltd., Korea and is also the steamer Agent of Hyundai Merchant Marine Co. Ltd. Korea, in India. The Agent of the Plaintiff's Principal in China was

<https://hcservices.courts.gov.in/hcservices/approcservice> the 5 and 6th Defendants herein to export

shipments of Electrically Calcined Anthracite Coal from Xingang, China to Chennai, India, which was being imported into India by the 2nd and 3rd Defendants. The shipments were accepted and were made under 5 Bills of Lading, which were issued by the Agent of the Plaintiff in China.

5. Learned counsel for the Plaintiff stated that the above Suit has been filed for a recovery of a sum of Rs.2,81,32,811/- from the Respondents/Defendants herein and that the Plaintiff and the 4th Defendant are carrying on business within the jurisdiction of this Court.

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 the 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.
03-04-2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

GJM/05.04.2019

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.