

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 25TH DAY OF APRIL 2019

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

A. No.3280 of 2019

D. Sunil kumar Reddy, Prop of
Asian Cement Concrete & Mineral Corporation rep.by its,
88AC Block, 2nd Street,
Anna Nagar, Chennai 600040. ... Applicant

-Versus-

Lodhi Calcium Products P.Ltd,
Sy.No.316, Ungaranigundla(V),
Dhone(M),
Kurnool District 518 222,
Andhra Pradesh. Respondent

Application praying that this Hon'ble Court be pleased to grant leave to sue to institute suit against the Defendant.

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. Entity 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.

<https://hcservices.ecourts.gov.in/hcservices/> According to the Plaintiff, their Company is exclusively manufacturing cement with the trademark "ASIAN

CEMENT" having stockists in Chennai as well as throughout Tamil Nadu, Karnataka and Andhra Pradesh. It is the case of the Plaintiff that the Defendant is passing off using their brand name and selling stock within the city of Chennai.

5. Learned counsel for the Plaintiff submitted that the cause of action has arisen within the jurisdiction of this Court, as the Office of the Plaintiff is located in Chennai.

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

25.04.2019

//Certified to be a true copy//
Dated this the day of 2019

I.G/25.04.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.