



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF NOVEMBER 2019

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.7170 of 2019

in

C.S.No.340 Of 2019

M/s.DATA PATTERNS INDIA PVT. LTD.,
Rep. by its Authorised Signatory
Mr.V.N.Ramesh,
Block-3, First Floor, ETA Techno Park,
No.33, Rajiv Gandhi Salai (OMR Road),
Navalur, Chennai 600 130.

...Plaintiff.

vs.

ALBACOM LTD, UK
George Buckman Drive,
Dundee-DD2 3SP,
United Kingdom.

...Defendants.

A. No.7170 of 2019

ALBACOM LTD, UK
George Buckman Drive,
Dundee-DD2 3SP,
United Kingdom.

..Applicant/Defendant.

Vs.

M/s.DATA PATTERNS INDIA PVT. LTD.,
Rep. by its Authorised Signatory
Mr.V.N.Ramesh,
Block-3, First Floor, ETA Techno Park,
No.33, Rajiv Gandhi Salai (OMR Road),
Navalur, Chennai 600 130.

...Respondent/Plaintiff.

Application praying that this Hon'ble Court be pleased
to revoke the leave granted by the order dated 16.5.2019 in
A.No.3623 of 2019 in CSD No.62734 of 2019.



This application coming on this day before this court for hearing, the Court made the following order:

This application has been filed to revoke the leave granted by the order dated 16.05.2019 in Application No.3623 of 2019 in CSD No.62734 of 2019.

2. The suit has been filed for recovery of a sum of Rs.1,72,29,403.62/-. The suit proceeded on the basis that the defendant having agreed to supply the materials for the defence equipment and having received the money they failed to effect supply.

3. It is stated by the learned counsel for the plaintiff that the money for procurement of equipments was paid from Chennai and the purchase order clearly stated that the port destination is at Chennai. Such being the position, a part of cause of action has arisen within the jurisdiction of this Court.

4. The learned counsel for the defendant submits that the application to revoke the leave has been filed as the cause of action did not arise within the jurisdiction of this Court. In purchase order, there is a reference to the earlier contract, which according to the counsel confers, the jurisdiction on the Scottish Court and in terms of Scottish law payment of money will not through jurisdiction of this



WEB COPY

5. It is to be noted that while considering the application to reject the leave granted, only the plaintiff allegation are important. To find out whether there is cause of action or not. To some extent, the documents of the plaintiff can be seen to find out whether any cause of action arose or not. No pleading of the defendant or any document can be looked at this stage. The plaintiff in his pleading stated that part of cause of action has arisen within the jurisdiction of this Court. From the submission of both sides, it is seen that the subject matter involved in this suit is defence equipment. Admittedly, the equipment had not been supplied on the ground of cancellation by the plaintiff for want of required specification. Such being the position, admittedly, there is no dispute, that payment has been paid.

6. Considering the fact, merely on the basis of the contention of the learned counsel for the defendant, there is a contract and this Court has no jurisdiction, the leave cannot be revoked. This Court cannot make roving enquiry into validity of the alleged contract as it is a matter for evidence. What is important is to see whether there is any allegation to find out whether any cause of action has arisen. The fact remains that in the given case for the purpose of order payment was effected from the Bank which is situated within the jurisdiction of this Court. Having



regard to the goods the payments also effected from Chennai and the goods also agreed to be destinated in Chennai, it cannot be said that no cause of action arose whatsoever within the jurisdiction. I do not find any merit in this application. Accordingly, the application is dismissed.

Sd./-N.S.K.J

28.11.2019

//Certified to be true copy//

Dated at Madras this the day of 2020.

JJ 22/01/2020

COURT OFFICER(O.S.)

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