

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 31ST DAY OF AUGUST 2020

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

A.No.1815 of 2020
IN
C.S.S.R.No. 50680 of 2020

K. DALPAT SINGH, TRADING AS PROPRIETOR
M/S.GOLD MEHAL
148-150, K K Lane No.1,
Avinashi Road, Coimbatore - 641 018. ..Applicant/Plaintiff

-Vs-

M/S.GOLD MEDAL ELECTRICALS PVT. LTD.
A/302, Kemp Plaza, Mind Space,
Off Link Road, Chincholi Bunder,
Malad (W), Mumbai-400 064

Branch Office at 92/6, Nattu Pillair Koil Street,
Sowcarpet, Chennai - 600 001. ..Respondent/Defendant

Application praying that this Hon'ble Court be pleased to grant leave to sue the against Respondent/Defendant who is residing outside the jurisdiction of this Hon'ble Court.

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

This application has been filed seeking leave to institute the suit in this Court. The application has been filed under Clause 12 of the Letters Patents.

2. It has been mentioned that the plaintiff has an address at Coimbatore and that the Registered Office of the defendant is in Mumbai. However the plaintiff claims that the defendant has a Branch Office at Chennai and therefore seeks leave to institute the suit within the jurisdiction of this Court.

3. Quite apart from the Branch Office, it is also stated by the learned counsel for the plaintiff that the defendants had filed O.S.No.174 of 2020 at District Court, Saket in New Delhi and had also obtained an order of ex parte injunction on 02.07.2020. However, the plaintiff came to know that the basis for the order is that the defendant has a registered mark for a different class of products.

4. The defendant has stated in their plaint in O.S.No.174 of 2020 that their products are also sold online and in the affidavit now filed in support of the present application, it had been specifically stated that the defendant is carrying on business online and that the website is accessible at any place including Chennai.

5. Leave is granted.

Sd/-C.V.K.J.
31.08.2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

Su 02.09.2020

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