

A.No.1977 of 2020
in
C.S.SR.No.55673 of 2020

C.V.KARTHIKEYAN,J.,

Application filed seeking leave to institute the suit before this Court under Clause 12 of the Letters Patent.

2. The plaintiff is a partnership firm having registered office at Chennai. They seek to leave to institute the suit primarily as against the first defendant which is a Private Limited Company registered under the Companies Act, 1956 having registered office at New Delhi and branch office at Chennai, both of which offices are outside of this Court.

3. In the averments in the plaint it had been stated that the plaintiff had been awarded the contract to construct the memorial Former Chief Minister of Tamil Nadu Selvi.J.Jayalalitha at Marina Public Works Department site at Chennai. They participated in a tender invited by the Public Works Department and was thereafter awarded the contract. The plaintiff had appointed the first defendant as a Sub-contractor for supply of form work equipments for the Phoenix Memorial on the basis of sale of equipments as per the terms and conditions of the work order.

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4. Disputes arose between the plaintiff and the first defendant. It is also seen that the plaintiff had furnished bank guarantees to the first defendant. The cause for institution for the suit is that the first defendant has stated that they would invoke the bank guarantees.

5.However it is seen that the site where the contract is to be executed is situated within the jurisdiction of this Court where the major part of the contract was also performed and that bank guarantees were also furnished from the second and third defendants which are both banks situated at Chennai.

6. Leave is granted.

7. Registry to number the suit if it is otherwise in order.

11.09.2020

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