

A.No.2628 of 2020
in
C.S.SR. No.75735 of 2020

C.V.KARTHIKEYAN J,

This Application has been filed seeking leave to institute the suit under Clause 12 of the Letters Patent Act, 1865.

2.The suit had been filed seeking permanent injunction restraining the defendants from removing and transporting 2211.854 MT of Bio-diesel processed by the 1st Defendant on behalf of the Plaintiff herein and which is now lying in tank IMC-16 of the 2nd Defendant at Vishakapatnam Port.

3.It is stated in the affidavit filed in support of the Application that the 2nd Defendant, M/s.IMC Limited, has its registered office at Chennai. However, the 1st Defendant is outside the jurisdiction of this Court at Vishakapatnam in Andhra Pradesh. It is however stated that the cause of action arose owing to the refusal by the 2nd Defendant to permit the Plaintiff herein to remove and transport the said stock on account of the claims which the 2nd Defendant has against the 1st Defendant. It is stated that the major part of the cause of action arose within the jurisdiction

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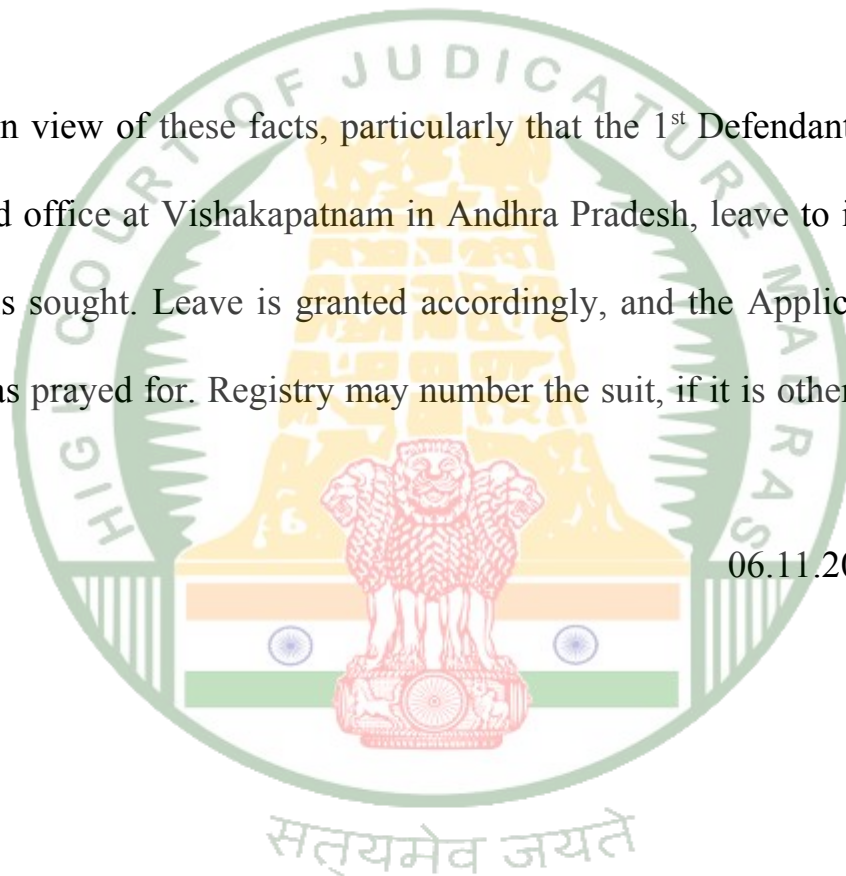
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of this Court and meetings also took place within the jurisdiction of the Court .

4.In view of these facts, particularly that the 1st Defendant has its registered office at Vishakapatnam in Andhra Pradesh, leave to institute the suit is sought. Leave is granted accordingly, and the Application is ordered as prayed for. Registry may number the suit, if it is otherwise in order.

06.11.2020

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