

Application No.1974 of 2021

KRISHNAN RAMASAMY,J

This application has been filed under Order XIV Rule 8 of Original Side Rules read with Clause XII of the Letters Patent Act, to grant leave to sue the first respondent.

2. Mr.P.H.Aravindh Pandian, learned Senior Counsel appearing for the applicant would submit that the present suit has arisen, within the jurisdiction of this Court, where the second respondent office is situated. The second respondent had issued the Bank Guarantee, where the applicant is carrying on business where payments had been received, correspondence has been exchanged, contract was accepted, applicant had paid margin monies to the first respondent and the Bank Guarantee had been extended from time to time.

3. In view of the above submission and in view of the facts narrated in the affidavit filed in support of the application, this Court is inclined to grant permission to sue the first respondent.

4. Accordingly, **leave is granted to sue the first respondent.**

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mvs/arb.

5. The learned Senior Counsel expressed his apprehension that before numbering interim application, Bank guarantee will be invoked by the first respondent. In a similar matter, this Court has already granted interim injunction. Therefore, until numbering the Interim Application, the learned Counsel requests this Court to protect the interest of the applicant, by granting interim injunction.

6. In view of the above, **first respondent is directed not to invoke the Bank Guarantee, till 19/5/2021.** It is made clear that if no application is filed for interim injunction, interim order passed today, will stand revoked, automatically with effect from 20/5/2021.

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Note: Applicant/Plaintiff is directed to communicate the order to the respondents/defendants

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