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A.No.503 of 2022

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**in**  
**C.S.(Comm.Div.) D.No.4095 of 2022**

**M.SUNDAR, J**

Captioned application has been filed with a leave to sue [LTS] prayer primarily under Clause 12 of Letters Patent.

2. Mr.Arun C.Mohan, learned counsel for applicant/plaintiff submits that the main suit is *inter alia* with a prayer qua injunction/damages amongst other pleadings on allegations of passing off. Learned counsel submits that passing off is regarding a mark used qua liquor by the plaintiff. It is also highlighted that this facet of the suit is a common law remedy. Owing to the scope of LTS prayer, it may not be necessary to dilate more on facts.

3. Learned counsel submits that the captioned application has been taken out owing to second defendant/second respondent having office outside the territorial jurisdiction of this Court. It is also pointed out that it is the specific case of plaintiff/applicant that the two defendants are collaborating in passing off. Learned counsel draws the attention of this



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Court to plaint document No.8 being TASMAL invoice dated 02.02.2022 to say that a part of cause of action had arisen within the territorial jurisdiction of this Court. Learned counsel also draws the attention of this Court to paragraph No.17 of the plaint which is the cause of action paragraph wherein there is some articulation on this facet of the suit.

4. The jurisdiction of this Court is inherent and expression of intention of this Court to express jurisdiction qua second defendant also is the scope of LTS. Therefore, in the light of the narrative thus far, LTS request acceded to.

5. Captioned application is ordered as prayed for. There shall be no order as to costs.

**14.02.2022**

mk/nsa



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