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Appln. No.2604 of 2022  
in C.S.(COMM DIV) DR.No.65296 of 2022

**A.No.2604 of 2022**  
**in C.S. (Comm Div) DR.No.65296 of 2022**

**KRISHNAN RAMASAMY, J.,**

This application has been filed, seeking to grant leave to the Plaintiff to sue the 1st Defendant before this Court in the above suit as he is carrying on business outside the jurisdiction of this Court.

2.The above captioned suit was filed by the Applicant/Plaintiff for recovery of money against the Respondents/Defendants. According to the learned counsel appearing for the Applicant/Plaintiff, the 1st Respondent/1st Defendant is the sole proprietor of M/s.Hiyansh Glass World which is situated in Vijayawada, and it is outside the Jurisdiction of this Court and the 1st Respondent/1st Defendant M/s.Prabhu Shipping Systems is situated within the jurisdiction of this Court, which is the Clearing Agent of the 2nd Defendant.

3.The learned counsel for the Applicant/Plaintiff submitted that



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the indemnity Bond dated 10.09.2019 was executed by the Defendants at Chennai and the Detention charges were payable at Chennai and the Notice claiming payment of these charges were also sent from Chennai. He has further submitted that the Defendants are liable to pay both the Detention Charges as well as the cost of the Containers at Chennai and have failed to pay the some aspects of demands. It is his further contention that since the 1st Defendant is carrying on business at Vijayawada which is outside the jurisdiction of this Court and the 2nd Defendant is carrying on business only at Chennai he seeks leave of this Court to sue the 1st Defendant before this Court .

4.Considering the facts and circumstances of the case and the submissions of the learned counsel appearing for the petitioner and since the 2nd respondent Company is situated within the jurisdiction of this Court and the substantial part of the cause of action had taken place within the jurisdiction of this Court , this Court is of the view that it is appropriate to grant leave to sue the 1st Respondent/1st Defendant

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5. Accordingly, leave granted and the application is ordered as  
prayed for.

**08.07.2022**

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