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A.No.4389 of 2022
in C.S(Comm. Div.)D.No.89822 of 2022

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M.SUNDAR, J.,

Mr.K.S.Elangovan, learned counsel on record for applicants/plaintiffs is before this Commercial Division.

2. When the matter was taken up, it came to light that in the support affidavit qua captioned 'Leave to Sue' [hereinafter 'LTS' for the sake of brevity, convenience and clarity] application, there is no averment regarding what part of cause of action has arisen within the territorial jurisdiction of this Commercial Division according to applicant/plaintiff.

3. Faced with the above situation, learned counsel on record for applicant/plaintiff submits that necessary averments are contained in the plaint. However, it is necessary that support affidavit in LTS application contains these averments as such facts / details are pivotal for this Commercial Division to consider LTS prayer.



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4. In the light of the narrative thus far, learned counsel sought leave of this Commercial Division to withdraw the captioned application but made a plea to preserve all the rights of the applicant / plaintiff to come up with a fresh LTS application with same / similar prayer on the same cause of action.

5. Learned counsel on record for applicant/plaintiff has made an endorsement in the case file and a scanned reproduction of the same is as follows:

The application may be
permitted to withdraw
with liberty to file
a fresh leave application
Cur/aj -
Counsel for
Petitioner/
Plaintiff

6. Aforementioned endorsement is reiterated in the hearing.



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*A.No.4389 of 2022
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7. In the light of the narrative thus far, captioned application is disposed of as withdrawn / closed albeit preserving all the rights and contentions of the applicant / plaintiff to come up with fresh LTS application with same / similar application on the same cause of action. There shall be no order as to costs.

29.09.2022

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M.SUNDAR, J.,

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