



A.No.2356 of 2023

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in
CS.(Comm.Div).SR.No.48257 of 2023

S.SOUNTHAR, J.

The applicant herein filed a suit against the respondent's Company for infringement of registered trade mark and passing off.

2. According to the applicant, the applicant is entitled to file the suit before this Court by virtue of Section 134 of the Trademark Act as far as infringement of trademark is concerned. Since the applicant has also prayed for passing off against the respondent who is carrying on business outside the territorial limits of this Court, the applicant is constrained to take out this application seeking leave of the Court.

3. It is asserted in the affidavit filed in support of this application and also the plaint averments that as per Clause 10 of franchise agreement entered between applicant and respondent both of



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them agreed to confine the disputes to the exclusive jurisdiction to this Court. The infringement of applicant's mark by the respondent is in violation of franchise agreement entered at Chennai. Hence part of cause of action has arisen within the territorial limits of this Court.

4. Accordingly, this application is allowed.

20.04.2023

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