



A.No.5955 of 2023

Application No.5955 of 2023

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ABDUL QUDDHOSE, J.

This application has been filed seeking leave to sue the respondents/defendants.

2. Prima-facie, this Court has a doubt as to whether the suit can be filed before this Court. The plaintiff is aggrieved by the breach of contract committed by the defendants as per the Memorandum of Understanding dated 19.10.2022 entered into between the plaintiff and the defendants. The plaintiff is running a restaurant in London based on a franchise agreement entered into with the defendants.

3. As seen from the averments in the plaint, the plaintiff apprehends that the respondents/defendants are attempting to open two restaurants within the vicinity of the plaintiff's restaurant at London, which is in violation of the terms and conditions of the Memorandum of Understanding. Under those circumstances, this suit has been filed for permanent injunction to protect the plaintiff's interest. However, the restaurant operated by the plaintiff based on the franchise agreement is



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located in London.

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4. The learned counsel for the applicant/plaintiff drew the attention of this Court to Clause 11 of the Memorandum of Understanding dated 19.10.2022, which says that the sole jurisdiction is vested with the Madras High Court. Since the restaurant is situated at London, whether this Court has jurisdiction or not, has to be decided first. Any order passed by this Court cannot be enforced and therefore, the learned counsel for the applicant/plaintiff will have to satisfy with regard to the jurisdiction of this Court as and when the suit is numbered and listed for hearing.

5. As seen from this application, which has been filed seeking for leave to sue, the respondents/defendants are having their office and place of business only at Chennai, within the jurisdiction of this Court, and therefore, there is no necessity for the applicant/plaintiff, though she may be residing at London, to file this application. The learned counsel for the applicant would submit that only upon insistence of the Registry, the present application has been filed. Since the application is unnecessary,



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Registry is directed number the suit, but, however, the learned counsel for the applicant/plaintiff will have to satisfy this Court as and when it is listed with regard to jurisdiction of this Court to entertain the suit, since the place of the applicant's business is at London.

6. In view of the above observations, this application is disposed of as unnecessary. If the suit is numbered today, Registry is directed to list the same for hearing on 10.11.2023.

09.11.2023

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