



A.No.6576 of 203

Application No.6576 of 2023

WEB COPY **ABDUL QUDDHOSE, J.**

This application has been filed seeking leave to sue the respondents/defendants, who are outside the jurisdiction of this Court.

2. There seems to be a dispute arising out of a contract entered into between the plaintiffs and the first defendant. Towards the performance of the contract, the first plaintiff has furnished bank guarantee in favour of the first defendant. The plaintiffs claim that they have not committed any breach of contract. However, according to them, the first defendant is attempting to invoke the bank guarantee given by the first plaintiff. In such circumstances, the suit has been filed seeking for permanent injunction to restrain the second defendant bank from allowing the first defendant to encash the bank guarantee given by the first plaintiff.

3. However, the first defendant is a foreign entity having its office at Seoul, Republic of Korea, and the second defendant bank is having its principal place of business at Kolkata, West Bengal. The plaintiffs are having their office at Chennai within the jurisdiction of this Court. The contract was performed by the plaintiffs only at Chennai. Since major



A.No.6576 of 203

part of cause of action has arisen within the jurisdiction of this Court, this Court is inclined to grant leave to sue as prayed for. Accordingly, leave to sue is granted as prayed for in this application. Registry is directed to number the suit if it is otherwise in order.

**12.12.2023**

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