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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.2125 of 2025
in C.S.(Comm.Div.) No.SR.67213 of 2025

M V S Gramany and Sons
No. 70, Chinnambedu Sakkarachetty Kulam, GNT Road Puduvayal P.O
601206, Thiruvallur District Tamil Nadu Rep by its Partners, Mr. J
Nandakumar and Mr. J. Vimalanathan ... Applicant

-VS-

Gautham Nithyanandham
Proprietor of M/s.TVS Snuff Company, 171/170, Kodambakkam High
Road, T.nagar, Chennai 600 017. ... Respondent

For Applicant : Mr.S.Sivathanu Mohan
for Mr.Ramesh Umapathy

ORDER

In a proposed suit seeking relief in respect of alleged infringement of trade mark and passing off, the intending plaintiff has sought leave to sue the first respondent before this Court. In the draft plaint, it is stated that both the defendants carry on business within the jurisdiction of this Court.

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SENTHILKUMAR RAMAMOORTHY,J

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Since the first defendant also operates from outside the jurisdiction, it is stated that the present application was filed. The plaintiff has also stated that goods bearing the infringing marks are sold *inter alia* at Chennai.

2. Upon examining the draft plaint and the affidavit in support of this application, it appears that at least a part of the cause of action has arisen within the jurisdiction and, in any event, both the defendants have a place of business within the jurisdiction of this Court. Therefore, this application is allowed by granting leave to the applicant to sue the first respondent before this Court. As a corollary, the Registry is directed to number the suit, if otherwise in order.

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