



A.No.3024 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 18.07.2025	PRONOUNCED ON 07.10.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.No.3024 of 2025

in

C.S.No.132 of 2025

Hindustan Unilver Limited,
Represented by its Power Agent Vidya Chandrasekar,
Having its Registered Office at:
Unilever House,
B.D.Sawant Marg,
Chakala, Andheri (East),
Mumbai – 400 009, Maharashtra. ... Applicant

vs.

1.Reckitt Benckiser (India) Private Limited,
Represented by its authorized Signatory Ms.Pallavi Bhushan,
Having its Registered Office at:
DLF Cyber Park,
6th and 7th Floor (Tower C), 405B
Udyog Vihar Phase III,
Sector-20, Gurugram – 122 016.

2.The Advertising Standards Council of India,
Having its Registered Office at:
A-402, Floor No.4,
Aurus Chambers, S.S.Amrutwar Marg,
Behind Mahindra Towers Worli,
Mumbai – 400 013, Maharashtra ... Respondents



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A.No.3024 of.



For Applicant : Mr.Madhan Babu
For Respondent : Mr.P.S.Raman
Senior Counsel
for Ms.Abinaya Raj for R1

Mr.Avni Singh for R2

ORDER

This Application had been filed to revoke the leave granted on 16.06.2025 in A.No.2655 of 2025.

2. Heard Mr.Madhan Babu, learned counsel appearing for applicant and Mr.P.S.Raman, learned Senior counsel appearing for the first respondent and Mr.Avni Singh, learned counsel appearing for the second respondent.

3. Mr.Madhan Babu, learned counsel appearing for the applicant would submit that no material cause of action has arisen within the jurisdiction of this Court for grant of leave to institute the suit. According to him, even in the cause of action paragraph in the plaint, the cause of action had been specifically pleaded to have arisen in Mumbai, where the orders were passed against the plaintiff, which was based on the expert opinion and reports in Mumbai and therefore, it is only the Courts in Mumbai would have jurisdiction

2/10



to deal with the suit. He would further submit that under the order passed by the second respondent herein is based upon the “Lift Advertisement” and “Hands Advertisement” in Hindi language telecast by the first respondent/ plaintiff. He would submit that such Hindi advertisements are not telecast within the jurisdiction of this Court and therefore, even the claim of cause of action for such advertisements being viewed in Chennai cannot give rise to a cause of action for instituting the suit. He would further submit that the *forum conveniens* cannot be in favour of the plaintiff. Relying upon the judgment of the Calcutta High Court in the case of ***Madanlal Jalan Vs Madanlal and Ors.*** reported in ***AIR 1949 Cal 495***, he would submit that it is the Court to grant or refuse leave when a part of cause of action has arisen within the jurisdiction of that Court. He would submit that in the facts of the present case, no part of cause of action has arisen within the jurisdiction of this Court. Relying upon the very same judgment, he would further submit that the Court should also consider the balance of convenience of parties by applying the doctrine of *forum conveniens* and in that regard, he would submit that the balance of convenience in applying the principle of *forum conveniens* would also not vest jurisdiction in this Court, as the parties namely the applicant and the second respondent is at Mumbai and the first respondent is at Gurugram.



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4. Relying upon the Full Bench judgment of this Court in the case of ***M/s.Duro Flex Pvt. Limited Vs. M/s.Duroflex Seatings System 150 and Another*** reported in ***2014 (5) LW 673***, he would contend that even in an issue of trade mark, the Registry at Chennai alone would be insufficient to give rise to a cause of action before this Court. The bundle of facts that has been pleaded would be the determining *factum* for the *citus* of the cause of action. He would submit that in the present case, the order passed by the second respondent is at Mumbai and the Registered Office of the applicant/ second defendant is also at Mumbai. The office of the first respondent is at Gurugram which is also outside the jurisdiction of this Court. That apart, he would submit that the advertisements were in Hindi language which were prohibited by the second respondent which do not have viewing at Chennai.

5. Further relying upon the judgment of the Hon'ble Apex Court in the case of ***Ahmed Abdulla Ahmed Al Ghurair Vs Star Health & Allied Insurance Co., Ltd.***, reported in ***2019 (13) SCC 259*** he would submit that the grant of leave is a discretionary remedy which is governed by the principles of



forum conveniens. Relying on the said judgment, he would submit that the Court has found that the *forum conveniens* of the parties would be more at a different place other than the Madras high Court and hence, refused to entertain the Civil Appeal which was against the order of this Court rejecting the plaint as the Court did not have territorial jurisdiction to deal with the suit.

6. Relying upon the Division Bench of this Court made in O.S.A.Nos.242 & 243 of 2023, he would submit that even if the Court has jurisdiction, the principles of forum shopping should be held against the first respondent/ plaintiff. Therefore, he would seek this Court's indulgence to revoke the leave granted by this Court.

7. Countering his arguments, Mr.P.S.Raman, learned Senior Counsel appearing on behalf of the first respondent would submit that the pleadings in the plaint alone would determine the jurisdiction. He would submit that the advertisements which were prohibited were not only given in Hindi language but also in various other languages including Tamil and English which was widely telecast within the jurisdiction of this Court.



8. He would vehemently contend that when a part of cause of action had arisen within the jurisdiction of this Court, leave could always be granted under Clause 12 of the Letters Patent Act. He would submit that the plaintiffs have specifically pleaded that part of cause of action for filing the present suit has arisen within the jurisdiction of this Court and only considering the said pleadings, this Court had granted leave for the first respondent/ plaintiff to sue the applicant and the second respondent.

9. The learned Senior Counsel would further submit that even though in the complaint, two of the advertisements given in Hindi were placed before the second respondent, the issue therein was with regard to the claim ***“12 hours protection/ protective shield”*** which was upheld and direction issued to modify their advertisements and withdraw their claims, both in the “Lift and Hand advertisements”. He would submit that the similar claims have been made by the first respondent/plaintiff in its advertisements in all languages including Tamil and English which has been telecast within the jurisdiction of this court.

10. When that being so, it cannot be restricted only to advertisements in



Hindi but advertisements in all other languages. Therefore, this Court had jurisdiction to deal with the issue as it infringes the first respondent's constitutional right to advertise also in the State of Tamil Nadu and thus, a part of cause of action had also arisen within the jurisdiction of this Court. In that context, he had also relied upon the judgment of the Division Bench of this Court made in O.S.A.Nos.242 & 243 of 2023 in upholding that this Court has jurisdiction to deal with the issue.

11. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

12. This Court recording the submissions made by the learned Senior counsel for the first respondent/plaintiff that advertisements are being reflected within the jurisdiction of this Court had granted leave, even though the defendants namely the applicant and the second respondent are outside the jurisdiction of this Court by invoking Clause 12 of the Letters Patent Act by its order dated 16.06.2025. It is the claim of the applicant that the order passed by the second respondent is based upon a complaint made by the applicant as against the first respondent/ plaintiff on the basis of the advertisements made



in Hindi which are not telecast within the jurisdiction of this Court.

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13. The complaint of the applicant relates to the claim made by the first respondent in its advertisements relating to **“12 hours protection/ protective shield”**. It is not the case of the applicant that the first respondent/plaintiff can be permitted to issue such advertisements in any other languages except Hindi. A perusal of the communication issued by the second respondent would indicate that a claim made by the first respondent/plaintiff with regard to **“12 hours protection/ protective shield”** should be suitably modified and withdraw the claims would not only relate to an advertisement in a particular language but the said order had been made by directing the first respondent/plaintiff to withdraw the said claim from its advertisements.

14. When that being so, the same would also include such advertisements being made in Tamil and English languages which are telecast within the jurisdiction of this Court. Therefore, this Court is of the view that a part of cause of action had arisen within the jurisdiction of this Court which would infringe the first respondent's constitutional rights to advertise also in the State of Tamil Nadu.



A.No.3024 of.



15. For the aforesaid reasons, I do not find any merits in the application seeking to revocation of the leave and accordingly, the application stands dismissed. However, there shall be no order as to costs.

07.10.2025

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A.No.3024 of.

K.KUMARESH BABU.J.,

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Pre-Delivery Order in
A.No.3024 of 2025
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C.S.No.132 of 2025

07.10.2025