IN THE PRINCIPAL COMMERCIAL COURT AT EGMORE, CHENNAI.

Present: Tmt. Deepthi Arivunithi, M.L.,
Principal Judge

Friday, the 16th day of August, 2024.

C.O.S. S.R. No. 464/2024

(CNR No.TNCH1B- -2022)

Tractors and Farm Equipment Limited, No. 77, Nungambakkam High Road, Chennai - 600 034, Rep. by its Authorised Signatory, Mr.C.P. Sounderarajan.

...Plaintiff

-Vs-

MASSEY FERGUSON CORPORATION 4205, River Green Parkway, Duluth, 30096, United States of America, Represented by its Authorised Signatory.

...Defendant

This suit was originally filed in the Commercial Court, Egmore, Chennai, and a C.O.S.S. R. No. 464/2024 was assigned and this suit came before me for final hearing on 09.08.2024 in the presence of M/s.S.Ramasubramaniam and Associates, the learned counsel for the plaintiff and M/s.Allwin Godwin, Akhila J, Niranjana Pandian, Barathwaz, the learned counsel for the defendant and upon hearing the arguments of both sides and upon perusing the plaint, counter and documents and having stood over for consideration this day, this court delivered the following:

ORDER

The suit is filed by the plaintiff seeking the following reliefs:

- (i) A decree of declaration in favour of the Plaintiff and against the Defendant that the Defendant has abandoned its rights in the Trademarks in India and is not entitled to interfere with Plaintiff's use of the Trademarks;
- (ii) A decree of declaration in favour of the Plaintiff and against the Defendant that the Trademarks are distinctive of the Plaintiff in India and are exclusively owned by the Plaintiff:
- (iii) A decree of permanent injunction restraining the Defendant, its group companies, agents or anyone claiming through or under them, from in any manner interfering with the Plaintiff's (and anyone authorised by the Plaintiff) use of the Trademarks in India, since the Defendant has abandoned its rights in the Trademarks;
- (iv) A decree of permanent injunction restraining the Defendant, its group companies, agents or anyone claiming through or under them, from holding out or representing themselves in any manner whatsoever as the owner, proprietor, rightsholder etc. Of the Trademarks; and
- (v) For any other orders as may be deemed fit and proper.
- 2. Since the relief claimed by the plaintiff related to the rights of the parties under the Trademarks Act, 1999, this court raised a preliminary doubt regarding the maintainability of the suit before the Commercial Court, Chennai.
- 3. Learned the learned counsel for the plaintiff and the learned counsel for the caveator on the issue of maintainability.
- 4. The learned senior counsel appearing for the plaintiff would contend as follows. The suit is filed invoking s.2(1)(c)(xvii) of the Commercial Courts Act,

- 2015. It is pointed out that the said category of suits covered disputes under the Trademarks Act, 1999. As per s.6 of the Commercial Courts Act, 2015, the Commercial Court has jurisdiction to try all suits and applications relating to a commercial dispute of a Specified Value arising out of the entire territory over which it has been vested territorial jurisdiction.
- 5. It is pointed out that the suit filed by the plaintiff is of specified value and is arising under Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015 and therefore, it is contended that this court has jurisdiction to entertain this suit. It is further pointed out that even the proviso to Section 7 which deals with the jurisdiction of the Commercial Division of the Hon'ble High Court only relates to suits that are filed and pending before the original side of the Hon'ble High Court of Madras. The word 'filed' cannot mean 'to be filed' and therefore, the said proviso also does not exclude the jurisdiction of this court.
- 6. It is also pointed out that the Commercial Courts Act, defines the term 'District Judge' as per s.2(1)(e) and therefore, it is a persona designata and since the Commercial Courts Act, 2015 contains an overriding clause as per s.21, the said act would prevail over the provisions of the Trade Marks Act, 1999 and the definition under s.2(4) provided under the Civil Procedure Code, 1908. Unless the jurisdiction of the court is expressly excluded, the court cannot be prevented from exercising jurisdiction. It is further pointed out that the Commercial Courts Act, 2015 defines a District Judge to mean a judge defined under Art.236 of the Constitution of India and therefore, the said definition alone is to be applied in dealing with the cases of commercial nature. Since there is nothing in the Commercial Courts Act,2015 or in the Trademarks Act, 1999 that excludes the jurisdiction of this court, if the conditions prescribed in the Commercial Courts Act, 2015 is fulfilled, this court has to exercise jurisdiction over these matters. Reference is also made to the decisions of the Hon'ble High Court of Madras reported in MANU/TN/9053/2019 and MANU/TN/6676/2023 to contend that in those cases, the jurisdiction of the Hon'ble High Court of Madras

arose for consideration and the said decision does not state that the Commercial Court, Chennai would not have jurisdiction to entertain the suits relating to Trademarks. The attention of this court is also drawn to G.O. (Ms) No. 480 dated 10.09.2019 and the practice directions issued by the Hon'ble High Court of Madras in Notification No. 48/2018.

- 7. The learned counsel for the caveator would contend as follows. The Trademarks Act, 1999 s.134 provides that the suits shall be filed in court not inferior to the District Court. In the decisions of the Hon'ble High Court of Madras in MANU/TN/9053/2019 and MANU/TN/6676/2023, it was specifically held by the Hon'ble High Court of Madras that when the cause of action arises within the original jurisdiction of the Hon'ble High Court of Madras, then such cases shall be filed only before the Original side and not before any other court. Further, though there is no exclusion of jurisdiction provided in the statute, the suit cannot be entertained on the basis that it is a long standing practice of the court. The term filed and pending used in first proviso to s. 7 does not refer to cases that were already filed. If it only referred to the cases already filed, the words 'and pending' that follows the word 'filed' would be rendered redundant. Hence, the first proviso to s.7 of the Commercial Courts Act, 2015 refers to the cases that are to be filed and that are pending before the Original Side. Thus, this court has no jurisdiction to entertain this suit and it has to be filed only before the Original Side of the Hon'ble High Court of Madras.
- 8. Upon hearing both sides and having perused the materials on record, this court frames the following point for consideration.
 - 1. Whether the present suit filed under s.134 of the Trademarks Act, 1999 is within the jurisdiction of this court?

9. Point:

Since the present issue pertains to the jurisdiction of this court, this court finds it unnecessary to traverse into the factual scenario upon which the present case came to be filed. The limited question that arises for consideration presently is whether or not a suit under s.134 of the Trademarks Act, 1999 is maintainable before this Court. S.134 of the Trademarks Act, 1999 reads as follows.

- "134. Suit for infringement, etc., to be instituted before District Court.—(1) No suit—
- (a) for the infringement of a registered trade mark; or
- (b) relating to any right in a registered trade mark; or
- (c) for passing off arising out of the use by the defendant of any trade mark which is identical with or deceptively similar to the plaintiff's trade mark, whether registered or unregistered, shall be instituted in any court inferior to a District Court having jurisdiction to try the suit.
- (2) For the purpose of clauses (a) and (b) of sub-section (1), a "District Court having jurisdiction" shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or any other law for the time being in force, include a District Court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or proceeding, or, where there are more than one such persons any of them, actually and voluntarily resides or carries on business or personally works for gain.

Explanation.—For the purposes of sub-section (2), "person" includes the registered proprietor and the registered user."

- 10. A bare reading of the above provision would show that the suits are to be filed before a court not inferior to the District Court. The term District Court is not defined in the Trademarks Act, 1999 and therefore, the definition provided under the Civil Procedure Code, 1908 becomes relevant. As per s.2(4) of the Civil Procedure Code, the term District is defined as follows.
 - "2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (4) "district" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction (hereinafter called a "District Court"), and includes the local limits of the ordinary original civil jurisdiction of a High Court;"
- 11. Based on the above definition, it is discernable that a District Court referred to in s.134 of the Trademarks Act, 1999 would mean a Principal Court of original jurisdiction which is called a District Court. A conjoint reading of both the above provisions would show that any suit under s.134 of the Trademarks Act, 1999 shall not be filed before a court inferior to the Principal Court of Original Jurisdiction called the District Court and includes the local limits of the ordinary original civil jurisdiction of a High Court. Since the word 'No suit' is used in s.134 of the Trademarks Act, 1999; it is apparent that the pecuinary value of the suit cannot be reckoned as a yardstick to determine the jurisdiction. Therefore, dehors the value of the suit, any suit relating to an action under s.134 of the Trademarks Act, 1999 shall lie to a court not inferior to the Principal Court of Original Jurisdiction i.e. the District Court which includes the Original Civil Jurisdiction of a High Court. Thus, by virtue of the said provision, all the suit relating to Trademarks in the Judicial District of the State of Tamil Nadu excluding Chennai lie only before the Principal District Courts irrespective of the value of the subject matter of the suits. There is no qualms on the said position of law.
- 12. The issue that arises presently for consideration is whether this court, which is a dedicated Commercial Court formed in the District of Chennai has the jurisdiction to entertain the present suit under s.134 of the Trademarks Act, 1999 or not. The Hon'ble High Court of Madras exercises original jurisdiction over the territorial limits of Chennai. Due to this, the pecuinary limits of the City Civil Courts, Chennai and the Commercial Court, Chennai is limited. Since the case is pertaining to a commercial suit, the pecuniary jurisdiction of this court is relevant. As per the G.O.(Ms) No. 480 dated 10.09.2019 read with the G.O.Ms. No. 451 dated 07.11.2020, the Commercial Court, Chennai has a pecuinary jurisdiction exceeding

three lakhs rupees, but not exceeding rupees one crore. The pecuinary jurisdiction of the Hon'ble High Court of Madras is above One Crore.

- 13. As far as the commercial disputes are concerned, based on the specificed value and commercial nature of the dispute, the cases are filed before this Commercial Court, Chennai. However, there is a departure found in matters relating to Arbitration and to the cases relating to the Intellectual Property Rights. The provision that is relevant for consideration is s.7 and s.10 of the Commercial Courts Act, 2015, which is extracted hereunder for ready reference.
 - 7. Jurisdiction of Commercial Divisions of High Courts.—All suits and applications relating to commercial disputes of a Specified Value filed in a High Court having ordinary original civil jurisdiction shall be heard and disposed of by the Commercial Division of that High Court:

Provided that <u>all suits and applications relating to commercial disputes</u>, <u>stipulated by an Act to lie in a court not inferior to a District Court, and filed or pending on the original side of the High Court</u>, shall be heard and disposed of by the Commercial Division of the High Court:

Provided further that all suits and applications transferred to the High Court by virtue of sub-section (4) of section 22 of the Designs Act, 2000 (16 of 2000) or section 104 of the Patents Act, 1970 (39 of 1970) shall be heard and disposed of by the Commercial Division of the High Court in all the areas over which the High Court exercises ordinary original civil jurisdiction.

- 10. Jurisdiction in respect of arbitration matters.—Where the subject-matter of an arbitration is a commercial dispute of a Specified Value and—
- (1) If such arbitration is an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed in a High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court.
- (2) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed on the original side of the High Court, shall be

<u>heard and disposed of by the Commercial Division where such</u> <u>Commercial Division has been constituted in such High Court.</u>

- (3) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by the Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted."
- 14. Both the provisions bear relevance to the terms used in the respect statutes. As far as the Trademarks Act, 1999 is concerned, the phrase used is 'courts not inferior to the District Court' as reflected in the first proviso to s.7 of the Commercial Courts Act, 2015. Now, therefore, it has to be seen whether the term 'courts not inferior to the District Court' refers to the High Court having Ordinary Original Jurisdiction or the District Court having Original jurisdiction. In this regard, the decisions of the Honb'le High Court of Madras in the case of Chennai Ananda Bhavan v. Adyar Ananda Bhavan reported in 2020 (6) CTC 506 is relevant. In the said case, the question of the jurisdiction of the Hon'ble High Court of Madras in Intellectual Property laws came up for consideration and it was observed as follows.
 - "15....As far as Chennai City is concerned, the jurisdiction ordinarily vested in the High Court and not in the City Civil Court. Clause 12 of the Letter Patent, the High Court has unlimited original jurisdiction, the jurisdiction was expressly saved under section 16 of the Chennai City Civil Court Act. So when the High Court exercising the ordinary Original Civil jurisdiction, the suits arising out Copy Right Act, Designs Act, Patent Act, Trade Mark Act lie only to High Court. That being the position, all the commercial suits have filed before the High Court and pending on the original side, it should be tried and disposed by the commercial division of the High Court, as per the first proviso of Section 7 of the Commercial Courts Act.[Emphesis Supplied]
 - 16. The proviso that all suits and applications relating to the commercial disputes stipulated in the Act lie in a suit not inferior to the District Court and filed or pending on the original side of the High Court shall be heard and disposed by the Commercial Division of the High Court only. The word "filed or pending" clearly indicate that any commercial suits lie in a court

not inferior to the District Court normally filed before the High Court. Therefore, not only those suits but also pending such suits, only the commercial division of the High Court can dispose of the suits. Therefore, it cannot be contended that the High Court has jurisdiction to decide the commercial dispute of specified value alone. The exception provided under the proviso 1 of Section 7, takes care of all other suits arising under the various enactment like trade marks, copy right, patent, etc., Therefore, the contention of the learned counsel for the applicant that this court has no jurisdiction to decide the suit cannot be countenanced. The judgment of the Delhi High Court relied upon by the learned counsel cannot be applied in this case. As far as city of Chennai is concerned the High Court is exercising its original civil jurisdiction over the city, not the City Civil Court.

17. This Court has also issued Notification No.28 of 2018 in exercising of power conferred under Section 18 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015 (Act 4 of 2016), wherein clause 2 defines, suits and applications therein relating to a commercial dispute within the meaning of Section 2(1)(c)(xvii) of the Act 4 of 2016 filed or pending on the original side of this Court which attract any one or more of the provisions viz., Section 134(1) of Trademarks Act 1999, Section 62(1) of Copy Right Act, 1957, Second Proviso to Section 22(2) and Section 22(4) of Designs Act, 2000, Section 104 of Patents Act, 1970, Section 66(1) of Geographical Indications of Goods (Registration and Protection) Act, 1999 shall be entertained by the commercial division of this Court.

18. The word "filed or pending" in the first proviso of Section 7 clearly indicate that the suits which are in commercial nature, normally filed before this Court also to be disposed by the commercial division. If the legislature has intended to omit all the commercial disputes outside the purview of the commercial division of the High Court the word "filed" would not have been incorporated in the proviso. Instead pending suits or applications alone would have been there. Accordingly, the contention of the learned counsel for the applicant cannot be countenanced. With regard to the territorial jurisdiction, it is to be noted that earlier orders have been challenged before the Division Bench of this Court and the Division Bench of this Court in O.S.A.No.255 of 2018 while dismissing the appeals has held that the territorial issue can be decided by framing an issue and it can be decided along with the suit. Such being the position the same ground cannot be agitated. That issue is left open at the time of trial. In view of the same the application is liable to be dismissed." [Emphasis Supplied]

- 15. Apart from this decision, it is relevant to take note of the decision of the Hon'ble High Court of Madras in the case of K.T.V. Health Food Private Limited v. Kalasakthi Agro Private Limited reported in MANU/TN/6676/2023, wherein it was observed as follows.
 - "14. The first proviso to Section 7 of the Commercial Courts Act, 2015 makes it clear that all suits and applications relating to Commercial disputes, stipulated by an Act to lie in a Court not inferior to a District Court, and filed or pending on the Original Side of the High Court, shall be heard and disposed of by the Commercial Division of the High Court. Admittedly, the instant suit is a commercial dispute. Though the suit has been valued below the specified value, the first proviso to Section 7 of the Commercial Courts Act, 2015 makes it clear that a Trademark infringement suit under Section 134 of the Trademarks Act, 1999 or a Copyright infringement suit under Section 62 of the Copyright Act, 1957 can be filed only before the Madras High Court Original Side, if the plaintiff carries on business in the city of Chennai within the original side jurisdiction of this Court and the disclosure of specified value for the purpose of suit valuation is immaterial for the purpose of deciding jurisdiction." [Emphasis Supplied]
- 16. A perusal of the aforesaid decisions of the Hon'ble High Court of Madras would categorically show that in respect of matters relating to the Intellectual Property Laws, if the cause of action arises within the jurisdiction of the Original Jurisdiction of the Hon'ble High Court of Madras, then the High Court alone shall exercise jurisdiction over such matters. The learned senior counsel appearing for the plaintiff would contend that in both the above cases, the question was only whether the High Court has jurisdiction or not and not whether the District Court also has jurisdiction or not. It is further contended that the jurisdiction is concurrent and coexists.
- 17. It is further contended that when the Commercial Courts Act, 2015 has an overriding provision and it specifically defines a Commercial Court and the term District Judge, the same shall override any other provision in the Trademarks Act, 1999 or the Civil Procedure Code, 1908. With regard to the effect of the overriding provision, this court finds it relevant to take note of the decision of the Hon'ble

Supreme Court in the case of S.D. Containers Indore v. M/s. Mold Tek Packaging Ltd., reported in [2020] 12 SCR 1104. In the said case, the issue that arose for consideration was regarding an action under s.19 and 22 of the Designs Act, 2000 relating to an order of transfer by the Hon'ble High Court of Madhya Pradesh. Though the facts of the said case stand on a different footing, the observations made with regarding to when the overriding effect of s.21 of the Commercial Courts Act, 2015 takes effect is relevant for the purpose of the present order and is extracted hereunder for ready reference.

"11. It is pertinent to mention that Section 7 of the 2015 Act only deals with the situation where the High Courts have ordinary original civil jurisdiction. There is no provision in the 2015 Act either prohibiting or permitting the transfer of the proceedings under the 2000 Act to the High Courts which do not have ordinary original civil jurisdiction. Further, Section 21 of the 2015 Act gives an overriding effect, only if the provisions of the Act have anything inconsistent with any other law for the time being in force or any instrument having effect by virtue of law other than this Act. Since the 2015 Act has no provision either prohibiting or permitting the transfer of proceedings under the 2000 Act, Section 21 of the 2015 Act cannot be said to be inconsistent with the provisions of the 2000 Act. It is only the inconsistent provisions of any other law which will give way to the provisions of the 2015 Act."

18. Based on the above observation, it is clear that the overriding effect would kick in only when the provisions of the enactment is inconsistent with the provisions of the Commercial Courts Act, 2015. In the present case, it is apparent there is no prohibition expressly given to the Commercial Courts created in the jurisdiction where the Hon'ble High Court has original jurisdiction to deal with suit pertaining to Intellectual Property Laws. Further, there is also no complusion that the saisd category of suits have to be only filed before the Commercial Courts and not the Commercial Division. While so, there can be no inconsistency and therefore, the overriding effect as found in s.21 of the Commercial Court Act, 2015 does not bear any significance.

19. It is relevant to note that the decisions of the Hon'ble High Court of Madras quoted hereinbefore in definite terms indiciate that the Original Side of the High Court of Madras alone would have exclusive jurisdiction in dealing with the suits relating to the Intellectual Property Laws. However, since the said action is termed as a commercial transaction, irrespective of their pecuinary value, they will be dealt with by the Commercial Division of the High Court of Madras as per first proviso to Section 7 of the Commercial Courts Act, 2015. This view of the Hon'ble High Court is further fortified by the Madras High Court Intellectural Property Rights Division Rules, 2022 which was notified and the relevant rule made as follows.

"Rule 5: Procedure for Suits: All Civil suits pertaining to IPR cases or proceedings under these IPD rules shall be governed by the procedure prescribed under the Original Side Rules, 1994 read with High Court Fee Rules, 1956, as amended from time to time, and Civil Procedure Code, 1908 as amended by the Commercial Courts Act, 2015 for such IPR Disputes listed under Section 2 (1)(c) of Commercial Courts Act, 2015. All other IPR disputes not listed under Section 2 (1)(c) of Commercial Courts Act, 2015 shall be governed by the Civil Procedure Code, 1908 and principles relating to/akin to case management of suits under the Commercial Courts Act, 2015 to the extent there is no consistency with these rules will be applicable."

Schedule I

Selle	4410 1								
S. A	Act	Section	under	whichNature of	Nomenclatur	e Cou	ırt Fee	s Pay	able
No.		filed		proceeding	in				
					HIGH				
					COURT				
15) C	Commerci	iUnder S	ec.13(1	-A) of Appellate	OSA-CAD-	As	per	the	Tamil
a	ıl	the	Com	nercial	IPD	Nadu			
C	Courts	Courts	Act,	2015		Court-fees and Suits			
A	Act,	from the		Valuation Act, 1955					
2	2015 from		(Tamil Nadu Act XIV						
tl	he	constitut		of 1955)					
Commerciof									
a	1	Commer	cial	Courts					
C	Courts	Act, 201	5						
I	PR Suits				CS-COMM	As	per	the	Tamil
u	ınder				DIV-	Nad	lu		

Section 2 (1)(C) of commerci al court 2015	IPD	Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955)
IPR Suits for those not listed in Section 2(1)(C) of commerci al court 2015	CS-IPD	As per the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955)

- 20. A perusal of the above rules would show that all suits related to the Intellectual Property Laws that arise within the territorial jurisdiction of the High Court of Madras has to be filed before the High Court Original side. As far as the concurrent jurisdiction of this court is concerned, the same cannot co-exist for the mere reason that it would amount to forum shopping, where the litigants would be in a position to choose the forum in which they find it convenient to file the suit. As already noted, it is apparent that for the suits relating to Intellectual Property Laws, the pecuniary jurisdiction need not be considered in view of the express provisions in the said special statutes providing a definite forum to institute the suit.
- 21. Now, therefore, this court finds it pertinent to see if section 15 of the Code of Civil Procedure would have any relevancy in this regard. For this purpose, the following decision of the Hon'ble High Court of Madras has in the case of V. Ramamirtham, Sole Proprietor, ... vs Rama Film Service reported in AIR 1951 MAD 93 is relevant. In the said case,, while dealing with the powers of the original jurisdiction of the High Court of Madras has held as follows.

- "I am definitely of opinion that Section 15 has no application to the H. Cts. exercising ordinary original jurisdiction when there is a conflict between the original jurisdiction of the H. C. & City Civil Ct. constituted under the Madras City Civil Court Act."
- 22. Section 15 of the Civil Procedure Code, 1908 provides that the suit has to be instituted in the court of the lowest grade. While so, it has been held by the Hon'ble High Court of Madras that the said provision is not applicable when there is a conflict between the original jurisdiction of the High Court and the City Civil Court. Though this court is designated as a Commercial Court, for all other purposes, it continues to be a City Civil Court and also exercises jurisdiction under the Madras City Civil Courts Act, 1892.
- 23. For the foregoing reasons, this court finds that the suits relating to the Trademarks Act, 1999 s.134 in this case can be instituted only before the Original Jurisdiction of the Hon'ble High Court of Madras in view of the first proviso to s.7 of the Commercial Courts Act, 2015. The words 'filed and pending' cannot be restricted to suits already filed but also is to be taken to mean to be filed. The decisions of the Hon'ble High court of Madras referred to herein above clearly states that all the suits relating to Intellectual Property Laws with particular reference to an action under the Trademarks Act, 1999 will lie only before the High Court of Madras if the cause of action arises within the territorial jurisdiction of the Hon'ble High Court. The Madras High Court Intellectural Property Rights Division Rules, 2022 further fortifies this position. Thus, this court finds that the Principal Commercial Court, Chennai lacks jurisdiction to entertain the present suit which is filed under s.134 of the Trademarks Act, 1999. For the purpose of jurisdiction in these matters, the specified value of the suit is immaterial.
- 24. In view of the forgoing reasons, the plaint is ordered to be returned in exercise of powers under Order VII Rule 10 C.P.C. to be presented before the appropriate forum.

In result, the plaint is ordered to be returned in exercise of powers under Order VII Rule 10 C.P.C. to be presented before the appropriate forum.

Dictated to Steno-typist, directly typed by her, corrected and pronounced by me in the open Court this the 16th day of August, 2024.

Principal Judge, Principal Commercial Court, Egmore, Chennai – 08.

Petitioner side documents : Nil Respondents side documents: Nil

Principal Judge, Principal Commercial Court, Egmore, Chennai – 08.

Draft/Fair Order

C.O.S.S.R. No. 464/2024

Dated: 16.08.2024

Principal Commercial Court, Egmore, Chennai – 8.