

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**  
**THE HON'BLE MR. JUSTICE M. SUNDAR , THE HON'BLE MR. JUSTICE R.**  
**SAKTHIVEL**

**CMA NO. 2335 OF 2024 & CMP NO. 18553 OF 2024**

27.08.2024

Tractors & Farm Equipment Limited, No.77, Nungambakkam High Road, Chennai  
600034, rep. by its Authorised Signatory C.P. Sounderarajan

*... Petitioner*

v.

Massey Ferguson Corp., 4205 River Greenway Parkway, Duluth 30096, United  
States of America, rep. by its Authorised Signatory

*... Respondent*

**Commercial Courts Act, 2015 – Intellectual Property Dispute – Return of  
plaint to High Court’s Commercial Division – Trademark suit filed in  
Commercial Court but returned under Order VII Rule 10 CPC – Clause  
(xvii) of §. 2(1)(c), read with first proviso to §. 7, mandates IP suits in High  
Courts with original civil jurisdiction – Commercial Court’s order upheld  
– Expedient disposal of commercial and IPR matters – Appeal dismissed.**

**Designs Act, 2000 – Suits and applications under Act – Commercial  
Division of High Court – Intellectual property claims, including designs  
under clause (xvii) of §. 2(1)(c) of Commercial Courts Act, must be filed in  
the High Court’s Commercial Division if the High Court exercises original  
civil jurisdiction – Court upheld return of plaint under Order VII Rule 10  
CPC – No error found in Commercial Court’s order – Legislative intent for  
expedited IPR adjudication satisfied – Appeal dismissed.**

**Constitution of India – District Judge – Meaning assigned under Clause  
(a) of Article 236 – §. 2(1)(e) of Commercial Courts Act adopting the  
constitutional definition – Subordinate Courts under Chapter VI of Part VI  
– Commercial Court found subordinate to High Court – Intellectual  
property disputes under Clause (xvii) of §. 2(1)(c) must lie before  
Commercial Division in High Court having original jurisdiction – Return of  
plaint upheld to advance legislative intent of swift commercial and IPR  
adjudication.**

**Code of Civil Procedure, 1908 – Return of plaint – Intellectual Property  
(IP) dispute filed in Commercial Court – Clause (xvii) of §. 2(1)(c) of  
Commercial Courts Act – Order VII Rule 10 CPC invoked – Held,  
Commercial Court correctly returned the plaint for presentation before  
High Court’s Commercial Division having original jurisdiction –  
Legislative scheme mandates specialized and expedited forum for IP suits  
– Unamended provisions of CPC remain applicable except where  
overridden by amendments in Commercial Courts Act – Appeal dismissed.**

**The Trademarks Act, 1999 – Jurisdiction of Courts – §§. 134 and 142  
mandate that no suit shall lie in a Court inferior to that of a District Court**

– High Court (Original Side) stands above District Court in hierarchy – Clause (xvii) of §. 2(1)(c) of Commercial Courts Act ensures IP disputes are filed in the Commercial Division where the High Court has original jurisdiction – Return of plaint by the Commercial Court for re-filing in High Court’s Commercial Division, upheld – Legislative aim of expeditious resolution of IPR disputes recognized – Appeal dismissed.

Patents Act, 1970 – Suits and applications under §. 104 – Must be heard by the High Court’s Commercial Division where the High Court exercises original civil jurisdiction – Lower forums lack jurisdiction in such patent and IP disputes – Legislative intent is expeditious and specialized adjudication of IPR matters – Return of plaint by Commercial Court, held, valid.

The Madras High Court Intellectual Property Rights Division Rules, 2022 – IP Division established in Madras High Court – Abolition of IPAB by Tribunals Reforms Act, 2021 led to IP jurisdiction shifting to High Court – IPD Rules, 2022 govern commercial IP suits – Ensures swift adjudication, avoids conflicting decisions, and prevents litigation delays – Return of plaint from Commercial Court for re-filing in IP/Commercial Division upheld – Legislative intent of specialized IPR forum reaffirmed.

Trade and Merchandise Marks Act, 1958 – Infringement Suit – Jurisdiction of Commercial Court – Under §. 2(1)(c)(xvii) of Commercial Courts Act, IP suits lie in High Court’s Commercial Division if High Court has original jurisdiction – Return of plaint under Order VII, Rule 10 CPC justified – Scheme ensures expedited adjudication and prevents forum shopping – §. 12A and IP Division framework affirm exclusive High Court forum – Appeal dismissed.

The Geographical Indications of Goods (Registration and Protection) Act, 1999 – Registration and Protection of GIs – Ss.66 & 73 – No suit maintainable below District Court – All IPR statutes, including GI Act, confer jurisdiction on District Courts or higher – Commercial Division of High Court holds exclusive jurisdiction if original civil power is vested – Return of plaint for filing before Commercial Division upheld for swift, specialized IPR adjudication.

The Protection of Plant Variety and Farmers' Rights Act, 2001 – Jurisdiction – §. 65 – Suits not maintainable below District Court – Under Clause (xvii) of §. 2(1)(c) of the Commercial Courts Act, IP suits lie in High Court’s Commercial Division if original jurisdiction is exercised – Return of plaint by Commercial Court upheld – Legislative objective of expedited IPR adjudication reinforced.

Trade Marks Act, 1940 – Jurisdiction in Trade Mark Suits – §. 73 akin to §. 134(1) of TM Act 1999 – Decree by City Civil Court nullified in P.M.Swamy case – Infringement suits cannot be filed before inferior Courts – TAFE v. MFC upheld return of plaint by Commercial Court for filing in High Court’s Commercial Division, furthering swift adjudication of IPR disputes.

Tribunals Reforms Act, 2021 – Abolition of IPAB – Effective from 04.04.2021 dissolving IPAB – Madras High Court IP Division formed under IPD Rules, 2022 to handle IPR matters – Commercial Division in High Courts with original jurisdiction recognized as specialized forum – Legislative goal of swift and streamlined IPR adjudication upheld.

Chennai City Civil Court Act, 1892 – Saving of original civil jurisdiction of

**High Court – §. 16 ensures CCC Act does not curtail High Court’s original side – Improper institution in High Court, if suit ought to be in City Court, attracts no costs to plaintiff – High Court retains power to transfer pending suits to City Court – Court-fees Act, 1870 applies to transferred suits – In IP and commercial disputes, High Court’s original jurisdiction remains unaffected, preserving specialized forums for adjudication.**

**Court-fees Act, 1870 – Credit for Fees upon Transfer – Under sub-§. (3), in suits or proceedings transferred to the High Court, Court-fees Act, 1870 applies, with credit given for fees already levied in the High Court – In the present IPR dispute, the plaint returned by the Commercial Court for filing in the High Court’s Commercial Division does not attract duplicated court fee – Legislative scheme ensures consistency in fee assessment and expedites resolution of IP and commercial matters.**

**Land Acquisition Act – Quashing of §. 4 Notification – Whether fresh period for §. 6 Declaration arises – Padma Sundara Rao (Dead) & Ors. v. State of Tamil Nadu & Ors. (2002) 3 SCC 533 emphasized that precedents must be applied in the factual context – Mere quashing of §. 4 notification does not automatically grant a renewed timeline for §. 6 declaration – Super Cassettes case found distinguishable on facts.**

**Arbitration and Conciliation Act, 1996 – Domestic Arbitration – Jurisdiction of Commercial Courts – Statutory Scheme – Appeals or applications arising from domestic arbitration ordinarily lie before the Principal Civil Court, but under the Commercial Courts Act, IP and other commercial disputes also fall under specialized forums in High Courts having original jurisdiction – In trademark suit filed by TAFE against MFC, Commercial Court returned plaint for want of jurisdiction, directing filing before High Court’s Commercial Division under clause (xvii) of §. 2(1)(c) – High Court upheld return, emphasizing expedited resolution for commercial and IP disputes – Appellant must present plaint in Commercial or IP Division of the High Court, as legislatively intended.**

**The Copyright Act, 1957 – Intellectual Property Rights – Jurisdiction – Suit not maintainable before a Court inferior to a District Court – §. 62 read with Commercial Courts Act, 2015 mandates IP disputes to be brought before the Commercial Division of High Court having original jurisdiction – Return of plaint from Principal Commercial Court upheld – Legislative intent for expeditious disposal of IPR disputes recognized – Appeal dismissed.**

**Civil Rules of Practice – Presentation of plaint – Return of suit – Under Rule 21, the expressions 'file' and 'lie' refer to the act of 'presentation of a plaint' occurring prior to formal institution of suits – In a trademark dispute, the Commercial Court returned the plaint to be filed before the High Court’s Commercial Division, finding no error in the process – High Court upheld the return, clarifying that intellectual property suits under clause (xvii) of §. 2(1)(c) of the Commercial Courts Act must be presented to the specialized forum where the High Court has original civil jurisdiction, thus facilitating the legislative objective of swift adjudication of commercial and IP disputes.**

**FACTS.** Tractors & Farm Equipment Limited (TAFE) filed a trademark-related suit against Massey Ferguson Corp. (MFC) in the Principal Commercial Court at Egmore, Chennai, seeking declarations and injunctive relief. On 16.08.2024, the Commercial Court returned the plaint under Order VII Rule 10 of the Code of Civil

Procedure, indicating it should be filed in the Commercial Division of the High Court. Aggrieved, TAFE preferred C.M.A. No.2335 of 2024, asserting the Commercial Court's competence. The dispute centers on whether intellectual property claims, particularly under clause (xvii) of Section 2(1)(c) of the Commercial Courts Act, must be brought before the High Court's Commercial Division due to specified value thresholds and statutory directives. The matter also invoked Section 12A of the Commercial Courts Act, the abolition of the IPAB, and the establishment of the IP Division within the High Court, prompting questions on forum selection, valuation for injunctive relief, and prevention of forum shopping. The appeal proceeded before the Commercial Appellate Division, which examined the appropriateness of returning the plaint for filing in the High Court's Commercial Division.

**PRAYER.** Civil Miscellaneous Appeal filed under Section 13 of the Commercial Courts Act, 2015 read with Order XLIII Rule 1(A) of the Code of Civil Procedure, 1908, challenging the order dated 16.08.2024 passed by the Principal Commercial Court, Egmore, Chennai in C.O.S.Sr.No.464 of 2024.

#### **ISSUES OF LAW.**

Whether the Commercial Court had jurisdiction over the trademark and IP dispute or if the plaint should be filed in the High Court's Commercial Division; whether the first proviso to Section 7 of the Commercial Courts Act mandates exclusive jurisdiction in such IP suits regardless of specified value; whether strategic valuations for injunctive relief could result in forum shopping; and whether Section 12A of the Commercial Courts Act or specialized IP Division rules affect the maintainability of the suit in the Commercial Court.

**SUMMARY.** The dispute arose when a trademark suit filed by TAFE against MFC in the Commercial Court was returned for presentation to the High Court's Commercial Division. TAFE appealed the return order, arguing that the lower court was competent. The High Court held that, under the Commercial Courts Act, intellectual property cases covered by clause (xvii) of Section 2(1)(c) must be heard in the High Court's Commercial Division if the High Court has original civil jurisdiction. It dismissed the appeal, affirming the Commercial Court's return of the plaint and reinforcing the statutory scheme for swift resolution of IPR and other commercial disputes.

**HELD.** The High Court upheld the return of the plaint, concluding that intellectual property suits under clause (xvii) of Section 2(1)(c) properly lie before the Commercial Division in High Courts having original jurisdiction. It affirmed that the Commercial Court's order contained no error and that the legislative objective of expedited adjudication for commercial and IPR disputes is facilitated by assigning such matters to the specialized forum. The decision clarifies that the appellant must file the returned plaint in the High Court's Commercial Division or IP Division, as applicable.

**FINAL STATUS.** The appeal is dismissed.

## **CASES REFERRED**

Herrington v. British Railways Board (1972) 2 WLR 537  
P.M.Swamy Vs. K.Sultan Mohideen (1958 SCC OnLine Mad 22)  
Padma Sundara Rao (dead) and others vs. State of Tamil Nadu and others (2002) 3  
SCC 533  
Pankaj Ravjibhai Patel Trading as Rakesh Pharmaceuticals (Delhi High Court,  
order dated 02.11.2023)  
SCG Contracts principle (2019) 12 SCC 210  
Super Cassettes Industries Pvt. Ltd. v. Goldy Dish Antenna (2016 SCC OnLine Del  
4622)  
Tractors & Farm Equipment Limited (TAFE) vs Massey Ferguson Corp. (MFC)  
Vishal Pipes Ltd. vs. Bhavya Pipe Industry (2022 SCC Online Delhi 1730 : (2022)  
91 PTC 474)

## **COUNSELS**

Mr. Aryama Sundaram, Sr. Counsel (for Appellant)  
Mr. Krishna Srinivasan, Sr. Counsel (for Appellant)  
Ms. Geethi Ara (for Appellant)  
Ms. Rohini Musa (for Appellant)  
Mr. Karthick Ram Mohan (for Appellant)  
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Ms. Nithyashree (for Appellant)  
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Mr. Suhrith Parthasarathy (for Respondent)  
Ms. Shreya Gupta (for Respondent)  
Mr. Abhijeeth Sadikala (for Respondent)  
Mr. Allwin Godwin (for Respondent)  
Ms. Akhila Jayaraj (for Respondent)

**Judgment Pronounced on 27.08.2024**