IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 3893 of 2026
IN C.S(COMM DIV) SR NO. 154749 OF 2026

Acer Incorporated
Republic of China, of 7F-5,
No.369, Fuxing N. Rd.,
Songshan District,
Taipei City 105,
Taiwan, Republic of China,
Represented by its Constituted Attorney
Mr.Abbas Hussain.

..Applicant(s)

Vs

1. Mr.Thanka Swamy Raja aka TS Ranjith
Proprietor of M/s.Synergy Systems and
Peripherals,
Trading as M/s.The Laptap Shoppee,
1st and 2nd Floor, No. 173/134,
Valluvarkottam High Road,
Nungambakkam, Chennai 600 034.
Email: ranjith.synergy@gmail.com

Also, at
115, Kandaahs Chamber F Block,
1st Floor, Nelson Manickam Road,
Chennai 600 029.
Email: info1@synergysystem.in

2.Mr.Thanga Samy Vincent,
Trading as M/s.The Laptop Shoppee
Shop No.1,2,3,4 Door No.322,
Annamalaiyar Complex, Trunk Road,
Mount Ponamalle Road, Porur,
Chennai 600 116.

3.Ms.Anu Suja,
Trading as M/s.Laptop Store,
Shop No.10, 11, First Floor,
Elephant House, Ameerpet Crossroads,
Ameerpet, Hyderabad 500 016
Landmark: Opp 43 Metro Pillar Number
Email: info@laptopstoreindia.com

Also, at
Old No.130, New No.165,
Valluvarkottam High Road,
Near Part View Hotel,
Chennai 600 034.

4.Mr.James Jeni
Opp. CSI Mission Hospital,
Main Road, Marthandam,
Kanyakumari 629 165.
Tamil Nadu
Email: james.jeniservice2020@gmail.com

Also at,
Shop No.10, 11, First Floor,
Elephant House, Ameerpet Crossroads,
Ameerpet, Hyderabad – 500 016.

5.Good Domain Registry Pvt. Ltd.,
First Floor, 10, Pallavan Salai,
Tiru Vi Ka Nagar, Perambur,
Chennai 600 011.
Email: abuse@gooddomainregistry.com

6.Ministry of Electronics and Information Technology
Electronics Niketan, 6-CGO Complex Lodhi Road,
New Delhi 110003
Through the Director General (DIT) Cyber Laws
E-mail: cyberlaw@meity.gov.in;
pkumar@meity.gov.in; uoidhc@gmail.com

7.Department of Telecommunications
Ministry of Communications and IT,
20, Sanchar Bhawan, Ashoka Road,

New Delhi 110 001.
Through its Secretary.
Email: secy-dot@nic.in; dirds2-dot@nic.in;
uoidhc@gmail.com; abhinesh.meena@gov.in

..Respondent(s)

PRAYER – Application is filed under Order XIV Rule VIII Read with Section 80 of C.P.C., to dispense with service of advance notice to the respondents 6 and 7/defendants 6 & 7 under Section 80 of Code of Civil Procedure, 1908.

For Applicant(s): Ms.Elizabeth Seshadri

ORDER

This application has been filed by the plaintiff under Section 80(2) of the Code of Civil Procedure, 1908, seeking leave to institute the suit without serving the notice contemplated under Section 80(1) CPC upon Defendants 6 and 7.

2. The plaint and the affidavit filed in support of this application have been perused. The suit has been instituted principally against Defendants 1 to 3 alleging infringement of the plaintiff's registered trademark and passing off. Defendants 6 and 7 are stated to be statutory authorities. The plaintiff has sought directions against them to implement or facilitate the implementation of any interim injunction or blocking order that may be passed against Defendants 1 to 3.

3. According to the plaintiff, Defendants 6 and 7 are only formal or compliance parties; no substantive relief is claimed against them; and therefore, the requirement of notice under Section 80(1) CPC deserves to be dispensed with.

Scope of Section 80 CPC

4. Section 80(1) CPC prohibits the institution of a suit against the Government, or against a public officer in respect of an act purporting to have been done in his official capacity, until the expiry of two months after service of the prescribed notice. Section 80(2) creates a limited exception where a suit is instituted to obtain urgent or immediate relief against the Government or a public officer and the Court grants leave for its institution without such notice.

5. The relevant portion of Section 80(2) reads as follows:

> *"A suit to obtain an urgent or immediate relief against the Government… may be instituted, with the leave of the Court, without serving any notice as required by sub-section (1); but the Court shall not grant relief in the suit, whether interim or otherwise, except after giving to the Government or public officer… a reasonable opportunity of showing cause in respect of the relief prayed for in the suit."*

6. Thus, the existence of urgency in the suit generally is not sufficient. The plaintiff must establish that urgent or immediate relief is required against the Government or public officer in respect of whom exemption from notice is

sought. The power under Section 80(2) cannot be exercised merely because urgent interim relief is sought against some other private defendants.

7. In ***Bihari Chowdhary v. State of Bihar, (1984) 2 SCC 627,*** the Hon'ble Supreme Court reiterated that Section 80 is express, explicit and mandatory and admits of no implications or exceptions except those provided by the Legislature itself.

8. In ***State of A.P. v. Pioneer Builders, A.P., (2006) 12 SCC 119,*** the Hon'ble Supreme Court held that leave of the Court under Section 80(2) is a condition precedent for institution of a suit without notice and that the Court must apply its mind to whether urgent or immediate relief is required.

9. In ***State of Kerala v. Sudhir Kumar Sharma, (2013) 10 SCC 178***, the Hon'ble Supreme Court held that the mere filing of an application under Section 80(2) is not sufficient. Unless leave is granted in accordance with the statutory requirements, the suit instituted without notice cannot proceed.

10. Therefore, Section 80(2) is not a provision empowering the Court to dispense with notice as a matter of routine. The plaintiff must demonstrate:

a. that the suit seeks urgent or immediate relief against the Government or public officer;

b. that waiting for the period prescribed under Section 80(1) would defeat or materially prejudice that relief; and

c. that leave to institute the suit without notice is necessary in the circumstances.

Formal or compliance party

11. The CPC does not create separate categories of Government defendants described as "formal", "pro forma" or "compliance" defendants for the purpose of Section 80. The applicability of Section 80 must be determined from the substance of the plaint and the nature of the directions sought, and not merely from the description assigned to a defendant by the plaintiff.

12. In the present case, the plaintiff seeks a direction requiring Defendants 6 and 7 to implement or secure compliance with the interim injunction sought against Defendants 1 to 3. Such a direction requires Defendants 6 and 7 to exercise their statutory or administrative powers. It is consequently an operative relief against them, even if it is described as ancillary, consequential or compliance-oriented.

13. The contention that no "substantive relief" is sought against Defendants 6 and 7 is therefore not acceptable. Section 80(2) employs the comprehensive expression "relief in the suit, whether interim or otherwise." The provision does

not distinguish between substantive relief and consequential or compliance relief.

14. If no relief whatsoever were sought against Defendants 6 and 7, their presence in the suit would require consideration under Order I Rule 10 CPC. Conversely, if their presence is necessary to implement the order of the Court, the direction requiring such implementation is itself a relief against them. The plaintiff cannot simultaneously contend that implementation is necessary to enforce the order and that no relief is sought against them.

Absence of urgency against Defendants 6 and 7

15. The alleged infringement is attributed exclusively to Defendants 1 to 3. There is no allegation that Defendants 6 and 7:

a. infringed the plaintiff's trademark;

b. facilitated the alleged infringement;

c. refused to discharge any statutory obligation;

d. disobeyed any earlier judicial direction; or

e. committed any wrongful act against the plaintiff.

16. No representation or demand preceding the suit is shown to have been made to Defendants 6 and 7. There is also no averment that either authority refused to act upon such a request.

17. Although the allegations against Defendants 1 to 3 may justify urgent consideration of the application for injunction against them, such urgency cannot automatically be transferred to Defendants 6 and 7. Section 80(2) requires urgent or immediate relief against the Government or public officer concerned.

18. The Court is therefore not satisfied that any urgent or immediate relief is required against Defendants 6 and 7, or that waiting for the statutory notice period would render the relief against them ineffective.

Decisions relied upon by the plaintiff

19. The plaintiff relied upon the following decisions:

(i) Warner Bros. Entertainment Inc. & Ors. v. Moviesmod.bet & Ors., CS(COMM) No.738 of 2024, order dated 30.08.2024;

(ii) Louis Vuitton Malletier v. Ashok Kumar & Ors., CS(COMM) No.769 of 2024, order dated 09.09.2024;

(iii) Wellversed Health Private Limited v. Ashok Kumar (John Doe) & Ors., CS(COMM) No.845 of 2025, order dated 14.08.2025; and

(iv) Chandrakant Govind Deshmukh v. State of Maharashtra, AIR

1970 Bom 301.

20. In ***Warner Bros.,*** the Court granted exemption from notice to the Department of Telecommunications and Meity on the ground that the relief against them was limited to ensuring compliance with the Court's orders. The application was disposed of by stating simply that "exemption is granted." The Court thereafter directed the Government departments to ensure compliance by the internet service providers.

21. The order does not examine the ingredients of Section 80(2), particularly the requirement that urgent or immediate relief must be sought against the Government. The first proviso prohibiting interim or other relief without reasonable opportunity to show cause was also not considered. No binding authority of the Hon'ble Supreme Court on Section 80 CPC was considered. The order is therefore confined to its particular factual and procedural circumstances and does not lay down a ratio on the interpretation of Section 80(2).

22. In Louis Vuitton, the plaintiff submitted that the Department of Telecommunications had been impleaded only to ensure compliance with the Court's orders and that Section 80 CPC was consequently not attracted. The relief sought against the Department included disclosure of KYC particulars

associated with a mobile number and issuance of directions to the concerned service provider.

23. The application was allowed “for the reasons stated in the application” and in the interest of justice. The order does not adjudicate the mandatory ingredients of Section 80(2). The proposition that Section 80 becomes inapplicable merely because a Government department is impleaded to ensure compliance was neither supported by an analysis of the statutory text nor tested against the binding decisions of the Hon’ble Supreme Court.

24. The said interlocutory order cannot therefore be read as laying down a general proposition that a Government department impleaded for disclosure, enforcement or compliance is exempt from Section 80 CPC.

25. In ***Wellversed Health,*** the Court recorded that the Government authorities had been impleaded only for securing compliance with the interim or final directions and that no substantive relief was sought against them. The Court allowed the application under Section 80(2) for the reasons stated therein.

26. However, the operative portion of that order directed the Government authorities to issue blocking orders within 36 hours in the event of non-compliance by the private intermediary. Thus, notwithstanding their description

as compliance parties, the order issued an operative and enforceable direction against them.

27. The order does not examine whether such a mandatory blocking direction constitutes "relief in the suit, whether interim or otherwise" within the meaning of the first proviso to Section 80(2). Nor does it analyse whether urgent relief was independently made out against the Government authorities. It consequently does not constitute a binding pronouncement on the statutory question arising in this application.

28. The plaintiff next relied upon the Full Bench decision of the Bombay High Court in Chandrakant Govind Deshmukh v. State of Maharashtra, AIR 1970 Bom 301. In that case, the plaintiff had instituted a statutory suit under Section 8 of the Madhya Pradesh Public Trusts Act, 1951, seeking to set aside the Registrar's finding that the institution concerned was a public trust. The State Government and the Registrar of Public Trusts were impleaded as defendants without issuing notice under Section 80 CPC. This is akin to statutory suits under Section 70 of The Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, and Section 77 of the Registration Act, 1908. There is no controversy in this regard; no notice is required under Section 80 CPC in respect of statutory suits, as held by the Apex Court in **S. Pitchai Ganapathy & Others v. Commissioner, Hindu Religious and Charitable**

Endowments Department & Others, **(2001) 8 SCC 460**, but here the suit is not one under the statutory special suit but an ordinary regular suit.

29. An interlocutory order constitutes a precedent only for a principle of law that was consciously raised, considered and decided. A brief order allowing an application "for the reasons stated therein," without interpreting the material statutory provision, cannot be treated as laying down a binding ratio upon that provision.

30. The question presently raised—whether a Government authority impleaded to implement an interim order can be proceeded against without satisfying Section 80(2)—was not examined in the three Delhi High Court orders. Those orders must therefore be understood as passed in their peculiar factual settings, not as precedents dispensing with the express statutory requirements.

31. Further, the aforesaid decisions of the Delhi High Court are of persuasive value and are not binding upon this Court. In any event, a procedural course adopted in individual interlocutory matters cannot prevail over the express language of Section 80(2) and the law declared by the Hon'ble Supreme Court.

32. In the present suit:

a. the alleged wrongful acts are attributed only to Defendants 1 to 3;

b. no wrongful act or omission is alleged against Defendants 6 and 7;

c. no urgent or immediate relief is independently sought or established against Defendants 6 and 7;

d. the description of Defendants 6 and 7 as formal parties has no statutory basis under Section 80; and

e. the contemplated direction requiring them to implement the interim order is itself an operative relief against those defendants.

33. Consequently, the plaintiff has failed to satisfy the essential ingredients of Section 80(2) CPC. No ground has been made out for granting leave to institute the suit against Defendants 6 and 7 without complying with Section 80(1) CPC.

34. In fine, this application is accordingly dismissed. In terms of the proviso to Section 80(2) CPC, the plaint shall be returned for presentation after compliance with the requirements of Section 80(1) CPC. No costs.

10-09-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

DR.A.D.MARIA CLETE J.

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