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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**LEAVE PETITION NO. 53 OF 2015
IN
SUIT (L) NO. 247 OF 2015**

Godrej Consumer Products Limited	...Petitioner
vs.	
S. S. Industries and Another	...Respondents

Mr. Virag Tulzapurkar, Senior Counsel a/w. Mr. H.W. Kane and
Ms. Aditi Kulkarni i/b. W.S. Kane and Company, for the Petitioner.
Mr. Ramesh Sawant, Constituted Attorney of Plaintiff.
Mr. Sushil Dhirani, Respondent No. 1 in person.

CORAM : S.C. GUPTE, J.

DATED: APRIL 6, 2015

P.C. :

. This is a Petition for leave under the clause XIV of the Letters Patent to combine the cause of action for passing off with the cause of action of infringement of trade mark.

2] The Petitioner is a registered proprietor of the trade mark “Godrej – No. 1”, infringement and passing off in respect of which by the Respondents, is the complained in the suit.

3] The Petitioner being a registered proprietor of the trade mark carries on business within the jurisdiction of this Court and accordingly the infringement action lies within the jurisdiction of this Court. The same set of facts gives rise to the claim for passing off the Respondents' goods as the goods of the Petitioner.

4] On the last occasion, i.e. 25th March, 2015, this Court directed a fresh notice to be given to the Respondents, who were put to notice that, if they do not appear on the next occasion, this Court would proceed on the footing that they have no cause to show and decide the matter accordingly. The Respondents have been accordingly given a fresh notice of the Leave Petition.

5] Respondent No. 1, who is the manufacturer of the impugned goods, is present in the Court and submits to a decree. Defendant No. 2 is absent despite notice. An affidavit in proof of service dated 6th April, 2015 is tendered by the learned counsel for the Plaintiffs.

6] A case for grant of leave is clearly made out in the facts of the case noted above.

7] Accordingly, the Petition is made absolute in terms of prayer clause (a).

(S.C. GUPTE, J.)