

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 224 OF 2015
IN
SUIT (L) NO. 1008 OF 2015**

Shalina Laboratories Pvt. Ltd. & Anr.	...Petitioners
<i>Versus</i>	
Cooper Pharma Ltd.	...Respondent

Mr. M. Mahadgut, *for the Petitioners.*
Mrs. Gulekar, *Representative of the Court Receiver, High Court,
Bombay present.*

CORAM: G.S. PATEL, J
DATED: 27th October 2015

PC:-

1. This is a petition under Clause XIV of the Letters Patent to combine a cause of action in passing off with the causes of action in trademark and copyright infringement. The 1st Petitioner has its registered office in Mumbai. The 2nd Petitioner carries on his business in Mumbai. The Respondents carry on business outside Mumbai. The goods with the impugned marks are not available within the jurisdiction of this Court. The suit for trademark and copyright infringement is properly brought in this court in view of

the provisions of Section 134 of the Trade Marks Act, 1999 and Section 62 of the Copyright Act, 1957. On the same facts the Petitioners have a cause of action in passing off. Their case is that by using the impugned marks Respondent are passing off their goods as those of the Plaintiffs. The causes of action are interconnected and it is not possible to segregate them without leading to a multiplicity of proceedings.

2. For all these reasons, the Petition is made absolute in terms of prayer clause (a).

(G. S. PATEL, J.)