

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 3RD DAY OF SEPTEMBER 2018

THE HON'BLE MR.JUSTICE M.SUNDAR

A.No.5655 of 2018

in

C.S.No.493 of 2018

1. Aqua Pump Industries
rep by its Managing Partner
Mr.Ramaswamy Kumaravelu
Thudiyalur Post
Coimbatore 641 034
Having their branch office at
New No.10, Old no.26
Errabalu Chetty Street, Parrys Corner
Chennai 600 001.

2. Aqua Sub Engineering
rep by its Managing Partner
Mr.Ramaswamy Kumaravelu
Thudiyalur Post
Coimbatore 641 034
Having their branch office at
New No.10, Old no.26
Errabalu Chetty Street, Parrys Corner
Chennai 600 001

...Applicants/Plaintiffs

-Versus-

1.Amazon Technologies INC,
410, Terry Avenue North, Seattle,
Washington 98109,
USA

2. Amazon Seller Services (P) Limited
Ground Floor, Eros Plaza,
Eros Corporate Tower,
Nehru Place
New Delhi 110019
And Also at
No.26/1, 8th Floor,
Brigade Gateway,
Dr.Raj Kumar Road, Malleshwaram(W)
Bangalore 560055.

Application praying that this Hon'ble Court be pleased to join the causes of action of infringement of registered trade mark and passing off.

This Application coming on this day before this court for hearing the court made the following order:

There are two plaintiffs and two defendants in the main suit. Plaintiffs 1 and 2 in the main suit are Applicants 1 and 2 respectively in the instant application. Defendants 1 and 2 in the main suit are Respondent 1 and 2 respectively in the instant application. Parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. The instant application has been taken out by the plaintiffs *inter alia* under Clause 14 of the Letters Patent for joining two causes of action. Two causes of action sought to be combined are infringement of Trademark and passing off qua the same Trademark. To be noted it is alleged infringement of Trademark and alleged passing off.

3. Ms.Gladys Daniel, learned counsel for plaintiffs and Mr.M.S.Bharath, learned counsel for defendants are before this Commercial Division.

4. I have heard both learned counsel.

5. Learned counsel for defendants submits that without prejudice to his rights and contentions in main suit and interlocutory applications, there is no serious objection or opposition to this application.

In the light of the narrative supra, the prayer in this application is acceded to. In other words, this application is allowed and ordered as prayed for.

Sd/-M.S.J
03.09.2018

//Certified to be a true copy//
Dated this the day of 2018.

KY/05.09.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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