



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 22nd DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.No.2214 of 2021

in

C.S.(Comm.Div).No.10 of 2021

M/s.Suresh Industries,
A partnership firm represented by its
Partner Mr.Jitendra Kumar V.Shah
Plot No.2, the Vyasarpadi Co-operative Industrial Estate,
Erukkanchery High Road,
Vyasarpadi,
Chennai-600 039.. ..Applicant/ Plaintiff

/versus/

Mr.G.Suresh, Proprietor
Trading as Ambica Camphor Industries,
1-4-879/65, Gandhi Nagar,
Hyderabad-500 080. .. Respondent/Defendant

A.No.2214 of 2021

Application praying that this Hon'ble Court be pleased to permit the Applicant/Plaintiff to combine the cause of action for infringement of Trade Mark, copyright and passing off and file a combined suit before this Hon'ble Court.

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

This application is filed for leave to combine the causes of action.

The suit is filed for injunction alleging infringement of trade mark, trade name and passing off.



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2. Since the relief of infringement of trademark and passing off based on common facts and causes of action, the plaintiff to avoid multiplicity of proceedings has filed the application to combine the causes of action and filed a composite suit.

3. However, while seeking leave to combine the causes of action, it appears that leave is sought for combining causes of action for infringement of trademark, infringement of copy right and passing off. The learned counsel appearing for the defendant has rightly pointed out in the counter that when the suit itself is filed alleging infringement of trademark, trade name and passing off, leave for combining causes of action regarding infringement of copy right will not arise and therefore, the application is liable to be dismissed or the relief to combine the causes of action regarding infringement of copy right has to be deleted.

4. This Court finds force in the submission made by the learned counsel for the defendant. When the main suit itself is not for infringement of copy right, combining the cause of action regarding infringement of copy right does not arise, hence this application is partly allowed. The plaintiff is granted leave to combine causes of action for infringement of trade mark



WEB COPY 5. Two weeks time is granted for the respondent to file their counter in O.A.Nos.382 to 384 of 2021.

Sd/.G.J.J.
22.07.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.
JJ 29/07/2021