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A.No.1864 of 2022

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in C.S.(Comm.Div.) No.79 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

This application is presented for combining the cause of action of infringement of trademark and passing off. In spite of issuing notice to the respondent, the notice was returned unclaimed. Thereafter, the name of the respondent was printed in the cause list. However, there was no representation for the respondent. As such the respondent is set *ex parte* in this application. The applicant asserts cause of action both in respect of infringement of trademark and passing off against the sole respondent. By virtue of Section 134 of the Trade Marks Act 1999, this Court has jurisdiction in respect of alleged trademark infringement because the plaintiff carries on business within the jurisdiction of this Court. Since both causes of action are against the same respondent, it is just and necessary to combine the cause of action. Consequently, this application is allowed by permitting the applicant to combine the causes of action relating to infringement of trademark and passing off.

28.06.2022
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