

Sharayu Khot.

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

LEAVE PETITION NO. 283 OF 2021

IN

COMMERCIAL IPR SUIT NO. 275 OF 2021

Petrofer Chemie H.R. Fischer GMBH & Co. KG ...Petitioners
& Anr.

Versus

United Petrofer Limited ...Respondent

Mr. Amit Jamsandekar, Mr. Ashutosh Kane, Ms. Amruta Thakur i/by
W.S. Kane & co. for the Petitioners.

Mr. Hiren Kamod a/w Mr. Bahraiz Irani, Mr. Anees Patel and Mr.
Afrain Dalal for the Respondent.

CORAM : R.I. CHAGLA J

DATE : 10 November 2023

ORDER :

1. By this Leave Petition, the Petitioners are seeking leave
under Clause XIV of the Letters Patent for joinder of cause of action
of passing off with cause of action of infringement of trade marks.

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2. The Respondent/Defendant has been served and they

have taken out an Application under Order VII Rules 10 and 11 of the Code of Civil Procedure, 1908 for rejection of Plaint wherein issue of jurisdiction for cause of action of infringement has been raised.

3. Without prejudice to the rights and contentions of the Respondent/Defendant in Interim Application (L) No. 22114 of 2022 filed under Order VII Rules 10 and 11 of the Code of Civil Procedure, 1908, leave under Clause XIV of the Letters Patent is granted, in view of the Defendant's having been served.

4. Accordingly, Leave Petition No. 283 of 2021 is made absolute in terms of prayer clause (a).

5. Leave Petition is accordingly, disposed of.

6. Interim Application (L) No. 22114 of 2022 shall be placed on 5th December 2023 on the supplementary board.

[R.I. CHAGLA J.]