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A.No.1073 of 2023
in C.S.(Comm.Div.).SR.No.24686 of 2023

S.SOUNTHAR, J.

Instant Application in A.No.1073 of 2023 has been filed by the applicant/plaintiff, seeking leave of the Court to file a single suit by joining cause of action.

2. The applicant has filed a suit for permanent injunction restraining the respondent from infringing the registered trademark of the applicant namely “DHEEPAM” by using the offending trademark “SHREE DEEPAM OIL”. The applicant also sought for permanent injunction restraining the respondent from passing off its product as that of the applicant by using the offending trademark “SHREE DEEPAM OIL”.

3. It is asserted by the applicant that the Registered Office of the applicant is situated within the territorial limits of this Court and hence, under Section 134(2) of the Trademarks Act 1999, the applicant is entitled to maintain a suit for infringement of registered trademark.



S.SOUNTHAR, J.

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4. It is further stated that apart from the Statutory right, the applicant is also claims common law right of passing off against the respondent.

5. The cause of action for the relief of infringement and the relief of passing off are inter mingled and arising out of same bundle of facts. Hence, the applicant is entitled to file a single suit by joining of cause of action. Accordingly, the application in A.No.1073 of 2023 is allowed.

26.06.2023

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