



WEB COPY



A.No.3393 of 2023

A.No.3393 of 2023
in
C.S. (Comm Div). No. 171 of 2023

P.T.ASHA, J.

This application has been filed to combine the cause of action regarding the infringement of trademark, domain name infringement passing off together into a single suit against 70 defendants.

2. The plaintiff claimed an exclusive right to the trade name "*DROPTAXI*", which has been infringed upon by the defendants in different forms, some directly adopting the trade name and others using it as a domain name. The plaintiff would submit that the reliefs though appear distinctive and fall under difference provisions of law, the genesis for all the cases arises out of the single bundle of facts, namely, misuse of the applicant's registered trademark "*DROPTAXI*". Therefore, they seek for a joinder of the cause of action.



A.No.3393 of 2023

WEB COPY

3. The Division Bench of this Court as early as on 25.11.1992 in the Judgement reported in **1993 (2) LW 291 – Brooke Bond India Limited Vs. Balaji Tea (India) Pvt. Ltd.**, have held that if the facts in totality are in a bundle giving cause for infringement of copyright as well as other cause of action at different forums, the same should not be separated, as it would lead to multiplicity of proceedings and had proceeded to grant the leave. This Judgement is repeatedly relied on by the Division Bench of the Bombay High Court. Further, Clause 14 of the Letters Patent provides for the joinder of the cause of action.

4. Therefore, in the light of the above, this Court is inclined to allow the said application, without prejudice to the rights of the defendants to challenge the same once they enter appearance.

12.07.2023

kan



WEB COPY



A.No.3393 of 2023

P.T.ASHA, J.

kan

A.No.3393 of 2023

12.07.2023