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A.No.3470 of 2023
in
C.S.(Comm. Div.) No.177 of 2023

P.T. ASHA, J,

The above application is filed for seeking leave of the Court to permit the applicants/plaintiffs to join the various cause of action namely, infringement of copyright, passing of and damages.

2. The plaintiffs claimed an exclusive right to the trade name "TOWER", which has been infringed upon by the defendants in different forms. The plaintiffs would submit that the relief though appear distinctive and fall under different provisions of law, the genesis for all the cases arises out of the single bundle of facts, namely, misuse of the applicants' registered word mark "TOWER". Therefore, they seek for a joinder of the cause of action.

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 has been 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.

13.07.2023

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