



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.10 of 2025
in C.S.(Comm.Div.) No.2 of 2025

1. Mr.Amit Agarwal,
Sole Proprietor of M/s.SEETU ELECTRICALS,
No.136/1, Govindappa Naicken Street,
Chennai - 600 001.

2. M/s. SEETU ORBIT CABLE INDIA PVT. LTD.,
Represented by its Director Mr.Amit Agarwal,
3rd floor, No.36, Govindappa Naicken street,
Parrys, Sowcarpet, Chennai,
Tamil Nadu – 600 001.

... Applicants/Plaintiffs

-VS-

1. Mr.SHIV KUMAR GUPTA
A-40, Third Floor, Vivek Vihar Phase 2,
Jhilmil, Delhi 110 095.

2. M/s. ADL ORBIT CABLE (INDIA)
Plot No.46-48, SIDCUL, Sector 8A,
Integrated Industrial Estate, Haridwar,
Uttarakhand-249403.

... Respondents/Defendants



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Prayer: Application is filed under Order XIV Rule 8 of the Original Side Rules Read With Order II Rule 3 of the Code of Civil Procedure, 1908 and Clause 14 of the Letter Patent to grant permission to the applicant to combine the causes of action regarding infringement of trade mark and passing off together in a single suit.

For Applicants : Mr.Ashok Kumar J.Daga

For Respondents : Mr.Gowtham S. Raman

ORDER

By this application, the plaintiffs seek to combine the causes of action. The suit was filed seeking relief in respect of alleged infringement and passing off. In the affidavit in support of the application, it is stated that the suit was triggered by the use of the impugned mark “ORBIT” /“ADL ORBIT” in respect of identical goods. It is further stated that the relief of passing off also relates to the sale of goods using the above mentioned marks.

2. Without prejudice to the rights and contentions of the respondents,



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learned counsel for the respondents submits that the application may be allowed.

3. In the facts and circumstances set out above, it is just and necessary to allow this application so as to prevent multiplicity of proceedings. Therefore, this application is allowed as prayed for.

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