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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 24/11/2025

+ CS(COMM) 946/2025, IA Nos. 21933/2025, 21934/2025, 21935/2025 & 21936/2025

CASTROL LIMITED

.....Plaintiff

versus

SANJAY SONAVANE AND ORS.

.....Defendants

Advocates who appeared in this case

For the Plaintiff : Mr. Urfee Roomi, Ms. Janaki Arun, Ms. Anuja Chaudhury, Ms. Chahat Bhatia, Advocates.

For the Defendants : None.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

1. The present Complaint has been filed seeking a permanent injunction restraining the Defendants from commercial disparagement, infringement and dilution of Trade Marks, damage to reputation and brand equity, unfair competition, damages, etc.

2. The Plaintiff has also filed CS(COMM) 855/ 2025 captioned '*Castrol Limited v. Sanjay Sonavane and Anr.*' ("**First Suit**") before this Court,



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seeking an injunction against the defendants from issuing groundless threats of legal proceedings against the Plaintiff in relation to the Plaintiff's use of the '3X', '3X PROTECTION', '3XCLEAN', '3 IN 1 FORMULA' ("**3X Marks**") and a declaration that the Plaintiff's use of the 3X Marks as part of



its Trade Dress does not infringe the ' and



("3P Marks") of Defendant No. 1.

3. The Plaintiff is a seller of engine oils, lubricants, coolants, greases, and related goods and services ("**Plaintiff's Products**"). The Plaintiff markets and sells its goods under a wide range of Trade Marks, Trade Dress, and packaging, including 'CASTROL' and other formative Marks ("**Plaintiff's Marks**"). The Plaintiff has a significant market presence in India. The Plaintiff has been using the Plaintiff's Marks in India continuously for decades. A table of few of the Trade Mark registrations adopted by the Plaintiff is produced in Paragraph No. 15 of the Plaint and is reproduced hereunder:



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S. No.	Reg/App No.	Mark	Class	Reg/App Date	Status
1.	909193		4	10/03/2000	Registered
2.	838183	ACTIV	4	25/01/1999	Registered
3.	925808	CRB	4	19/05/2000	Registered
4.	2287273		4	23/02/2012	Registered
5.	2317448	ACTIBOND	4	18/04/2012	Pending
6.	3355419		4	08/04/2016	Protection Granted
7.	6153641		4	17/10/2023	Registered

4. Owing to longstanding use and distinctiveness, the Plaintiff's Marks and Trade Dress have become source identifiers in relation to the Plaintiff's engine oil and lubricants. Further, owing to the distinctive get-up and layout, the Plaintiff's packaging constitutes protectable Trade Dress under Section 2(1)(m) of the Trade Marks Act, 1999 ("**Trade Marks Act**"). The Plaintiff also uses the 3X Marks along with its products as a part of the Trade Dress. The 3X Marks are used by the Plaintiff in the following manner:



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5. Defendant No. 1 is the registered proprietor of the ‘3P FORMULATION POWER PRECISION PERFORMANCE’ Device Mark ‘



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’ bearing Trade Mark Registration No. 2275435 and is the registered owner of the Copyright for the Artistic Work in the ‘3P FORMULATION POWER PERFORMANCE PROTECTION’ ‘



’ bearing Registration No. A-149587/2023.

6. On 09.08.2025, Defendant No. 1 along with four to five of his associates and the local police from P.S. Dindori, Nashik Rural, visited the premises of one of the Plaintiff’s authorized distributors, namely, Shivay Agencies, located in Nashik district, Maharashtra, and effected search and seizure (“**Search and Seizure Proceedings**”) of large quantities of the Plaintiff’s Products bearing the Plaintiff’s Marks on the ground that the use of the 3X Marks by the Plaintiff constitutes an infringement of the 3P Marks of the Defendant No. 1, and sealed them at the same premises. Defendant No. 1 had submitted a Copyright infringement complaint against the Plaintiff and Mr. Jitendra Omprakash Agarwal, proprietor of Shivay Agencies, the authorized distributor of the Plaintiff (“**Plaintiff’s Authorized Distributor**”) to the Superintendent of Police, District Nashik Rural,



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Maharashtra, alleging Copyright infringement of Defendants' 3P Marks. Pursuant to the seizure, an FIR has also been registered at P.S. Dindori, bearing FIR No. 0319 of 2025, dated 09.08.2025.

7. Defendant No. 1 had issued a public caution notice in a newspaper, namely, Deshdoot, on 06.08.2025, proclaiming that use of the 3X Marks would constitute infringement of the Defendant No. 1's Trade Mark rights and Copyright in the Defendant No. 1's 3P Marks, and that any person found using these Marks would be liable for civil and criminal action.

8. On 10.08.2025, Defendant No. 2, through their newspaper, Dainik Bhramar, which has an appreciable local as well as digital circulation in Maharashtra, and is published on its website which is accessible throughout India, published an article titled "कॉपीराइट कायद्यांतर्गत दिलोरीत एका एजन्सीवर कारवाई" (English Translation: "Action taken against a company in Dindori over copyright violation"). The newspaper publication featured the Plaintiff's Authorized Distributor's premises and also featured the Plaintiff's Products featuring the Plaintiff's Marks.

9. On 10.08.2025, Defendant No. 4, through their newspaper, Saksham Police Times, which has an appreciable local digital circulation in Maharashtra, published an article titled "कॉपीराइट कायदा अंतर्गत दिंडोरी पोलिसांची कारवाई." The newspaper publication featured images of the Plaintiff's Authorized Distributor's premises and featured Plaintiff's Products bearing the Plaintiff's Marks. On 11.08.2025, Defendant No. 3, published a video media coverage on Defendant No. 5's video streaming platform, YouTube, titled, 'कॉपीराइट उल्लंघन पर दिंडोरी पुलिस की बड़ी कार्रवाई', (English Translation: Dindori Police Station took big action on a



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case involving Copyright Violation) about the Search and Seizure Proceedings.

10. On 19.08.2025, the Plaintiff discovered that Defendant No. 1, had been sharing messages since the raid on the WhatsApp group, Experts @ Lubricants, a group consisting of engine oil and lubricants manufacturers all over India, threatening that he is likely to conduct more criminal raids. On 19.08.2025, Defendant No. 1 shared the link to the video uploaded by Defendant No. 3 on YouTube with the message "More raids are expected on this issue of copyright infringement. Retail network from North Maharashtra region has stopped sales of packs which carries the deceptively similar (equations of) mark. Criminal action has been initiated by Nashik Police. Be alert 🚨"

11. This Court vide order dated 19.08.2025 passed in the First Suit, restrained the defendants, their proprietors, partners, directors, principal officers, associates, affiliates, licensees, distributors, dealers, stockists, retailers, servants, agents, and all others acting on their behalf from issuing any groundless threats of legal proceedings pertaining to Trade Mark and / or Copyright infringement proceedings against the Plaintiff, the Plaintiff's Indian subsidiary, Castrol India Limited and / or its authorized distributors, in relation to use of the 3X Marks, and/or any other 3X-formative Marks, as purportedly amounting to infringement of the Defendants' 3P Marks. Further, it was held that *prima facie* the use of the 3X Marks by the Plaintiff does not amount to infringement of Defendants' 3P Marks.

12. The Plaintiff has filed the present Plaint seeking a permanent injunction against the Disparagement of the Plaintiff's Products and the Plaintiff's Marks and to take down the media coverage of the Search and



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Seizure Proceedings along with other ancillary reliefs.

13. When the present matter was listed for the first time on 04.09.2205 before the Coordinate Bench, it was transferred to this Bench as the First Suit was pending before this Bench. When the matter was listed before this Bench on 04.09.2025, in response to the query from the Court regarding maintainability of the present Plaint in view of the pendency of the First Suit on the same cause of action under Order II Rule 2 of the Code of Civil Procedure, 1908 (“CPC”), the learned Counsel for the Plaintiff sought time to file Written Note of submissions. Accordingly, learned Counsel for the Plaintiff submitted Written Submissions on 10.09.2025. On 15.09.2025, the learned Counsel for the Plaintiff was heard at length, and the order was reserved.

SUBMISSIONS ON BEHALF OF THE PLAINTIFF:

14. The learned Counsel for the Plaintiff has made the following submissions before this Court on the issue of the maintainability of the present Plaint despite the pendency of the First Suit:

14.1. Defendant Nos. 2 to 4’s acts of creating and disseminating unverified, one-sided and misleading media articles and videos about the raid conducted by the Defendant No. 1 on the basis of a false and bogus criminal complaint to the S.P., District Nashik Rural, against the Plaintiff and the Plaintiff’s Authorized Distributor, and the subsequent act of Defendant No. 1 of publishing and circulating threatening messages on WhatsApp group, including using the Plaintiff’s Marks, constitutes disparagement, Trade Mark infringement, dilution and tarnishment of the Plaintiff’s Trade Marks.



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- 14.2. The publication of the media reports and YouTube video as well as the circulation of the WhatsApp messages, when examined from the lens of an ordinary man would lead to a conclusion that the Plaintiff is indulging in counterfeiting activities and infringing the Defendant No. 1's Trade Marks, when it is not the case and the same can be established from the *prima facie* view taken by this Court in the First Suit. The activities of the Defendants clearly indicate that they are meant to disparage the Plaintiff's standing in the market, create suspicion and doubt about the Plaintiff's business practices, and such activities are causing irreparable loss to the Plaintiff's goodwill and reputation.
- 14.3. The Supreme Court in ***Gurbux Singh v. Bhura Lal***, AIR 1964 SC 1810 has laid down the principles for applicability of Order II Rule 2 of CPC consisting of three things, *firstly*, that the second suit was in respect of the same cause of action as that on which the previous suit was based, *secondly*, in respect of that cause of action, the plaintiff was entitled to more than one relief; and *thirdly*, being entitled to more than one relief, the plaintiff, without leave obtained from the court omitted to sue for the relief for which the second suit has been filed.
- 14.4. The Privy Council in the case of ***Mohamad Khalil Khan v. Mahbub Ali Mian***, (1949) 51 BomLR 9, has laid down the principles for applicability of Order II Rule 2 of CPC as under:
- a. The correct test is whether the claim in the new suit is in fact founded upon a cause of action distinct from that which was the foundation of the former suit.



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- b. Where the question is whether the cause of action in two suits is the same or not, one of the tests that is applied is whether the same evidence would support the claims in both suits. If the evidence required to support the claims is different, then the causes of action are also different;
- c. The causes of action in the two suits may be considered to be the same, if they are identical in substance and not merely technically identical. Therefore, the application of the rule depends, not upon any technical consideration of the identity of the forms of action, but rather upon a matter of substance.
- 14.5. The Supreme Court in ***Coffee Board v. Ramesh Exports Pvt. Ltd.***, (2014) 6 SCC 424, held that while considering a plea of Order II Rule 2 of CPC, both the complaints must be read as a whole to identify the cause of action, which is necessary to establish a claim or necessary for the plaintiff to prove, if traversed. After identifying the cause of action, if it is found that the cause of action pleaded in both the suits is identical and the relief claimed in the subsequent suit could have been pleaded in the earlier suit, then the subsequent suit is barred by Order II Rule 2 of CPC.
- 14.6. The Supreme Court in the case of ***Dalip Singh v. Mehar Singh Rathee***, 2004 (7) SCC 650, held that identical cause of action in both the suits is a mandatory requirement for the application of Order II Rule 2 of CPC.
- 14.7. In the present case, the cause of action in the present Complaint is different from the cause of action in the First Suit, even though they may have germinated from the same event, i.e., Defendant No. 1 conducting a



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raid at the premises of the Plaintiff's Authorized Distributor, and seizing all the genuine goods of the Plaintiff by relying on Trade Marks and Copyright which is different from the Plaintiff's Marks.

- 14.8. The Supreme Court in ***Cuddalore Powergen Corpn. Ltd. v. Chemplast Cuddalore Vinyls Ltd.***, 2025 SCC OnLine SC 82 and ***A.B.C Laminart Pvt. Ltd. and Anr. v. A.P. Agencies, Salem***, AIR 1989 SC 1239, observed that 'cause of action' is generally understood to mean a situation or state of facts that entitles a party to maintain an action in a court or a tribunal, a group of operative facts giving rise to one or more bases for suing, and / or a factual situation that entitles one person to obtain a remedy in court from another person. The Supreme Court while deciding ***Cuddalore Powergen*** (supra) relied on the decision of ***Mohamad Khalil*** (supra), which observed that cause of action means every fact that would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court.
- 14.9. The cause of action in the First Suit was premised on two events, the first instance being the issuance of caution notice by Defendant No. 1 on 06.08.2025, wherein Defendant No. 1 had put an advertisement stating that the use of the 3X Marks would amount to infringement of the 3P Marks of Defendant No. 1 and the second instance being the complaint being filed by Defendant No. 1 against before the Nashik police, which lead to raid on the Plaintiff's Authorized Distributor, and filing of the FIR against the Plaintiff's Authorized Distributor and Managing Director of Plaintiff's Indian subsidiary on 09.08.2025.



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- 14.10. The cause of action against Defendant No. 1, in the present Plaint, commenced between 19.08.2025 and 29.08.2025, i.e., after the First Suit was filed, when the Plaintiff discovered that Defendant No. 1 was circulating messages pertaining to the articles published by Defendant Nos. 2 and 3, and sharing links of the video uploaded by Defendant No. 4 on WhatsApp.
- 14.11. Accordingly, the Plaintiff could not have included the claims and grounds related to commercial disparagement by Defendant No. 1 as the Plaintiff was not aware till after filing of the First Suit that Defendant No. 1 was circulating messages pertaining to the articles published by Defendant Nos. 2 and 3, and sharing links of the video uploaded by Defendant No. 4 on WhatsApp.
- 14.12. While it is admitted that the Plaintiff has disclosed in the First Suit to have been aware of the media articles and YouTube, and had doubts, based on the undue haste with which the news articles and reports by Defendant No. 2 to 4 were published, that these were published at the behest of Defendant No. 1, the Plaintiff's doubts were not confirmed until after filing the First Suit.
- 14.13. It is only between 19.08.2025 and 29.08.2025 that the Plaintiff was able to ascertain that Defendant No. 1 had been circulating disparaging messages on WhatsApp. Moreover, it is only during this period, the Plaintiff was able to arrive at a conclusion that Defendant Nos. 2 to 4 were operating at the behest of Defendant No. 1.
- 14.14. At the time of filing of the First Suit, there did not exist any cause of action against Defendant No. 1 to claim commercial disparagement, tarnishment and infringement of the Plaintiff's Marks. Since the



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evidence required to support the claims in both the suits are different, the causes of action are also different.

14.15. Since the First Suit concerned only Defendant No. 1 and was not filed against Defendant Nos. 2 to 4, there is no bar to file claims against Defendant Nos. 2 to 4 under Order II Rule 2 of CPC, as reliefs sought against Defendant Nos. 2 to 4 could not be claimed in the First Suit. Since, the cause of action in the first Suit and the present Plaintiff are different, the present Plaintiff cannot be barred under Order II Rule 2 of CPC.

14.16. The reliefs sought in the present Plaintiff are different from the reliefs sought in the First Suit. The relief sought in the First Suit was limited to the declaration of non-infringement by Plaintiff under Section 142 of the Trade Marks Act and Section 60 of the Copyright Act, 1957, as well as a permanent injunction restraining Defendant No. 1 from issuing threats of groundless proceedings against the Plaintiff. In the present Plaintiff, the Plaintiff seeks permanent injunction against Defendant Nos. 1 to 4 from commercially disparaging the Plaintiff, tarnishment of the Plaintiff's reputation as well as Trade Mark infringement. It also seeks Defendant Nos. 2 to 4 to take down the infringing articles and videos, and not to upload any articles and videos which disparage the Plaintiff and its reputation.

14.17. The Supreme Court in ***Rathnavathi and Anr. v. Kavita Ganashamdas***, 2015 (5) SCC 223, held that when the cause of action to claim the respective reliefs are so different, and so are the ingredients for claiming the reliefs, plea of Order II Rule 2 of CPC would not be allowed. Even if the suits are based on identical pleadings but the



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cause of action to sue for relief in the second suit was not available to the plaintiff prior to filing of the first suit, the second suit cannot be barred under Order II Rule 2 of CPC. The important question while assessing the plea, is to check the cause of action, rather than the similarity of the pleadings.

14.18. The Hon'ble Supreme Court has recognized in ***Cuddalore Powergen (supra)*** that there may be situations where the plaintiff may be entitled to a relief, but such a relief was not available at a certain point of time. In other words, obtaining such a relief was impossible due to the circumstances, which existed during the institution of the first suit. The court agreed with the view taken by the Rajasthan High Court in ***Ramjilal v. Board of Revenue, Rajasthan***, 1963 SCC OnLine Raj 23, where the High Court had opined that Order II Rule 2 of CPC does not require that a person must seek all the remedies in the first suit to which he may be entitled to, even though it would be impossible for him to obtain the remedy from the opposite party.

14.19. The Supreme Court in the case of ***Sidramappa v. Rajashetty and Ors.***, AIR 1970 SC 1059, held that if the cause of action on the basis of which the previous suit was brought does not form the foundation of the subsequent suit, and in the earlier suit, the plaintiff could not have claimed the relief which he sought in the subsequent suit, the subsequent suit is not barred under Order II Rule 2 of CPC.

14.20. The Plaintiff could not pray for the reliefs sought in the present Plaint in the First Suit as the Plaintiff could not have prayed for an injunction against Defendant No. 1 from publishing any disparaging content against Plaintiff as the Plaintiff did not know that Defendant



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No. 1 was circulating any disparaging content. The Plaintiff also could not have made such a prayer as it did not have any credible apprehension that Defendant No. 1 would act in a manner which constitutes commercial disparagement. Moreover, the Plaintiff did not possess any evidence to allege that Defendant No. 1 was indulging in activities that would amount to commercial disparagement. If the Plaintiff had made such a prayer in the First Suit, it would have been liable to be dismissed, owing to the lack of any credible evidence for such apprehension.

14.21. The Plaintiff, could not have prayed in the First Suit that the disparaging media reports and articles be taken down as, Defendant No. 1 had not published such videos, but rather they were published by Defendant Nos. 2 to 4, who were not parties to the First Suit, and the Plaintiff could conclusively draw a link between Defendant No. 1 and Defendant Nos. 2 to 4 only after the Plaintiff became aware of the WhatsApp messages. In any case, such a prayer could not have been made in the First Suit.

14.22. The relief sought in the First Suit was limited to restraining Defendant No. 1 from issuing groundless threats of legal proceedings, at the time, the Plaintiff was not aware of Defendant No. 1 having indulged in circulating disparaging content or of colluding with Defendant Nos. 2 to 4, the ground of disparagement, would have, at the time of filing the First Suit been solely against Defendant Nos. 2 to 4, and would have as such required a separate suit to be instituted. The relief sought in the present Plaint could only be prayed after the Plaintiff became aware that Defendant No. 1 was circulating WhatsApp messages



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disparaging the Plaintiff and was also circulating the articles / videos published by Defendant Nos. 2 to 4. Since the Plaintiff became aware of such activities of Defendant No. 1 only after filing the First Suit, the present Plaint cannot be barred under Order II Rule 2 of CPC.

14.23. The Supreme Court in **Bengal Waterproof Ltd. v. Bombay Waterproof Mfg. Co.**, (1997) 1 SCC 99 held that when the cause of action for filing the plaint is continuous and recurring, the second plaint will not be barred under Order II Rule 2 of CPC. The Supreme Court came to the conclusion that since the defendants continued to use the offending goods bearing the infringing mark, the cause of action continued to give the right holder an opportunity to make a separate grievance against the continuous cause of action. The court also held that whenever fresh deceitful act is committed, the person deceived would have a fresh cause of action in his favour.

14.24. The cause of action in the present Plaint against Defendant No. 1 is a continuous act and arises on every occasion the media articles, videos as well as WhatsApp messages are viewed, circulated and shared amongst consumers and general public. This Court in **Zyduz Wellness Products Ltd. v. Prashant Desai**, 2024 SCC OnLine Del 7018, while relying on the decision of the Supreme Court in **Bengal Waterproof (supra)**, held that since the infringing video is available to view on the social media account of the defendant, there is a continuous cause of action arising on each occasion.

14.25. This Court in **Ms. Ruchi Kalra v. Slowform Media Pvt. Ltd.**, 2025:DHC:2024, relied on the decision of **Khawar Butt v. Asif Nazir Mir and Ors.**, 2013 SCC OnLine Del 4474 which held that if there is



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re-publication resorted by the defendant, with a view to reaching a different or larger audience in respect of the defamatory article or material, it would give rise to a fresh cause of action. Moreover in **Ms. Ruchi Kalra** (*supra*), the court also relied on the decision of the Hon'ble Supreme Court in **Bengal Waterproof** (*supra*), to conclude that the bar under Order II Rule 2 of CPC would not be applicable in case of continuous breach, where every breach gives rise to a fresh cause of action.

14.26. In the present case, since Defendant No. 1 was circulating disparaging messages even after the filing of the First Suit, and these messages continue to stay on the Internet, the cause of action in the present Complaint is continuous. Moreover, since the media articles and videos published by Defendant Nos. 2 to 4 are available on the Internet, their continued presence is giving birth to a fresh cause of action each time it is being viewed, circulated and shared. The cause of action in the present Complaint is a continuous cause of action, the present Complaint is not barred under Order II Rule 2 of CPC.

14.27. The Supreme Court in the case of **Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd.**, 2022 SCC OnLine SC 1128 held that amendment of pleadings should only be allowed which is necessary for determination of the real controversies in the suit and such proposed amendment should not alter or substitute a new cause of action on the basis of which the original suit was raised or defense taken. The Supreme Court held that the amendment of the pleading should not change the nature of the suit. Accordingly, if the Plaintiff is required to amend the complaint of the First Suit to incorporate the



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grounds, reliefs and introduce new defendants, then such amendment will lead to the amendment of the entire nature of the First Suit. Moreover, such amendment will also alter the cause of action of the First Suit, which may not be allowed under the rigors of Order VI Rule 17 of the CPC.

ANALYSIS AND FINDINGS:

15. A bare perusal of the First Suit would show that the Plaintiff had filed the First Suit being aggrieved by the Search and Seizure Proceedings by the Nashik police pursuant to a complaint filed by Defendant No. 1 before the S.P., District Nashik Rural claiming that the Plaintiff's use of the 3X Marks amounted to infringement of the 3P Marks of Defendant No. 1 and, accordingly, the Plaintiff sought limited prayers of a permanent injunction against Defendant No. 1 from issuing groundless threats of legal proceedings against the Plaintiff in relation to the Plaintiff's use of the 3X Marks and declarations under Section 142 of the Trade Marks Act, 1999 and Section 60 of the Copyright Act, 1957 that the threats issued by the defendants to the First Suit were unjustifiable. The Plaintiff being aware of the media coverage of the Search and Seizure Proceedings did not pray for the relief of taking down the media coverage of the Search and Seizure Proceedings.

16. Vide order dated 19.08.2025 passed in the First Suit, a *prima facie* finding was found that the plaintiff's use of the 3X Marks did not amount to infringement of the 3P Marks of the Defendants and the Defendants were accordingly restrained from issuing groundless threats of legal proceedings against the Plaintiff, its Indian subsidiary or its authorized distributors.



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17. The Plaintiff being aggrieved by the media coverage of the Search and Seizure Proceedings and YouTube Video has filed the present Plaint seeking an injunction against Defendant Nos. 1 to 4 and 6 from disparaging the Plaintiff's Marks and the Plaintiff's Products and to take down the media coverage of the Search and Seizure Proceedings and for deletion of YouTube Video by Defendant No. 5.

18. The learned Counsel for the Plaintiff submitted that the cause of action for the First Suit arose when Defendant No. 1 issued the public caution notice dated 06.08.2025 stating the use of the 3X Marks would amount to infringement of the 3P Marks and the cause of action in the First Suit further arose when Defendant No. 1 filed the FIR dated 09.08.2025 against the Plaintiff's Authorized Distributor and the managing director of the Plaintiff's Indian subsidiary. Whereas the cause of action for the present Suit arose between 19.08.2025 and 29.08.2025, after the First Suit was already filed, when the Plaintiff discovered that Defendant No. 1 was circulating messages published by Defendant Nos. 2 and 3, and sharing links of the video uploaded by Defendant No. 4 on WhatsApp.

19. A bare perusal of the plaint filed in the First Suit and the documents filed along with the First Suit reveals that the Plaintiff was aware of the media coverage of the Search and Seizure Proceedings and YouTube Video, however the Plaintiff did not pray for taking down the aforesaid media coverage. Paragraph No. 36 of the First Suit clearly discloses that the within a day or two of the seizure operation having been conducted at the premises of the Plaintiff's Authorized Distributor, the Plaintiff was shocked to learn that certain newspapers having appreciable circulation in Maharashtra had published news articles pertaining to the seizure operation conducted at the



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behest of the Defendant. According to the Plaintiff, these articles paint an absolutely misleading picture of the Plaintiff and its distributors and pose a real risk of tarnishing the Plaintiffs image irreparably. Copies of some of these news articles along with their English translations are annexed with the First Suit as DOCUMENT- 20.

20. Further, Paragraph No. 37 of the First Suit mentions that the Plaintiff has also come across video news report, published on YouTube by a channel, namely, Maharashtra Bulletin, about the seizure carried out by the Nashik police at the premises of the Plaintiff's authorized distributor. The Plaintiff has also provided the URL for the said video i.e. <https://www.youtube.com/watch?v=gVN5ExrILk>. Screenshot of the said YouTube video is also annexed with the First Suit as DOCUMENT - 21.

21. This clearly shows that the Plaintiff was fully aware about the media articles and YouTube Video, based on which the present Plaint is filed at the time of filing of the First Suit, which was filed on 17.08.2025. The Cause of Action for the present Plaint stated to have arisen on 11.08.2025 based on the media articles and YouTube Video that already finds mention in the First Suit, as stated above. All the news articles relied upon in the present Plaint are dated 10.08.2025 and 11.08.2025, which are already pleaded in the First Suit. Only new development, as stated in the present Plaint, is with regard to Defendant No. 1 forwarding the said YouTube video on 19.08.2025 with a message that "*More raids are expected on this issue of copyright infringement*".

22. Despite being aware about the above Media Articles and YouTube Video, the Plaintiff chose not to seek any relief against the same. Forwarding the same video by Defendant No. 1 subsequent to filing of the Suit is a



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development that could have brought on record by suitably amending the First Suit, but that does not entitle the Plaintiff to file a fresh Suit on the same cause of action, which already forms part of the First Suit. Having omitted to seek the prayer for take down of the media coverage and YouTube Video despite providing the URL in the First Suit, the Plaintiff is not entitled to file the present Plaint seeking reliefs omitted in the First Suit as the causes of action for both the First Suit and the present Plaint are identical.

23. Such an approach is clearly barred under Order II Rule 2 of CPC. The Plaintiff cannot file a subsequent suit seeking reliefs arising out of the same cause of action, which the Plaintiff intentionally or inadvertently omitted from seeking in the First Suit.

24. The learned Counsel for the Plaintiff submitted that Defendant Nos. 2 to 4 in the present Plaint were not parties to the First Suit and the publication of the media articles and YouTube Video constitutes an independent cause of action and, therefore, the Plaintiff is entitled to file a separate Suit with respect to the reliefs sought in the present Plaint.

25. The Plaintiff relied upon the decision in **Gurbux Singh** (supra), **Dalip Singh** (supra) and **Mohamad Khalil** (supra), which held that for a suit to be barred under Order II Rule 2 of CPC it is mandatory that the first suit and the second suit must be borne out of the same cause of action and the plaintiff being entitled to multiple reliefs out of the same cause of action failed to sue for the reliefs for which the second suit has been filed, to submit that the present Plaint being borne out of a fresh cause of action is not barred under Order II Rule 2 of CPC.



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26. Both the First Suit and the present Plaintiff have arisen out of the same cause of action, i.e., the search and seizure carried out on the premises of the Plaintiff's Authorized Distributor, publication of the Media Reports and YouTube Video. The Plaintiff was fully aware of the media coverage of the Search and Seizure Proceedings and YouTube Video, which is provided in the First Suit and annexed therewith. The Plaintiff had all details about the publishers of the media articles and YouTube video but chose not to join Defendant Nos. 2 to 4 in the First Suit and also omitted to pray for the reliefs prayed for in the present Suit, which was available at the time of filing of the First Suit.

27. The Plaintiff relied upon the decision in *Coffee Board* (supra) to submit that both the complaints must be read as a whole and if after reading both the complaints and identifying the cause of action in both the complaints, it is established that the reliefs sought in the subsequent suit could have been sought in the earlier suit, then the subsequent suit is barred under Order II Rule 2 of CPC. Accordingly, perusal of the complaint in the First Suit and the present Plaintiff in their entirety, it is evident that the causes of action in both the complaints are based on the Search and Seizure Proceedings, Media Reports and YouTube Video. The Plaintiff has specifically pleaded the circulation of the media coverage of the Search and Seizure Proceedings and the YouTube Video in First Suit and could have sought reliefs against the media coverage of the Search and Seizure Proceedings and disparagement of the Plaintiff's Marks and the Plaintiff's Products. However, as the Plaintiff has omitted to do so, the Plaintiff cannot be allowed to file a subsequent suit based on the same cause of action because of the omission to seek certain reliefs.



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28. The Plaintiff submitted that Defendant No. 1 circulating various media articles published by Defendant Nos. 2 to 4 on WhatsApp gives rise to a fresh cause of action against which a fresh suit can be filed and, accordingly, the present Plaint is not barred under Order II Rule 2 of the CPC as the cause of action in the present Plaint arose after the First Suit was already filed and since the evidence required to prove the claims is different the cause of action is also different. It was further submitted by the Plaintiff that the present Plaint is maintainable and not barred under Order II Rule 2 of CPC since Defendant Nos. 2 to 4 were not a party to the First Suit, there is no bar to file a suit against Defendant Nos. 2 to 4 under Order II Rule 2 of the CPC.

29. However, the Plaintiff cannot get advantage of its failure to claim entire relief available to the Plaintiff at the time of filing of the First Suit and join all the necessary and proper parties for claiming the said relief. For bringing on record subsequent developments at an early stage for First Suit, it is open for the Plaintiff to amend the First Suit rather than filing a fresh Suit. The Plaintiff omitted to implead Defendant Nos. 2 to 6 in the First Suit despite being aware of the media content and the YouTube video that is allegedly disparaging the Plaintiff's Marks and the Plaintiff's Products. The Plaintiff cannot be allowed to file a fresh suit on account of its omission to seek the relevant reliefs or seek the permission of this Court to file subsequent claims with respect to any other claim that may arise out of the same cause of action. Filing fresh Suit on the same cause of action will lead to multiplicity of the proceedings and cannot be permitted.

30. The Plaintiff's reliance on *Rathnavathi* (supra), *Cuddalore Powergen* (supra) and *Ramjilal* (supra) to submit that even if the earlier suit and the



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subsequent suit are based on identical pleadings, but the cause of action to sue for relief in the second suit was not available to the plaintiff prior to filing of the first suit, the second suit cannot be barred under Order II Rule 2 of CPC, does not aid the case of the Plaintiff as at the time of filing of the First Suit, the Plaintiff had knowledge of the media coverage of the Search and Seizure Proceedings and the Plaintiff ought to have sought the reliefs claimed in the present Plaint against the media coverage and YouTube Video of the Search and Seizure Proceedings in the First Suit itself. Defendant No. 1's circulation of the media coverage of the Search and Seizure Proceedings cannot be considered as a different cause of action for which the Plaintiff is entitled to file an entirely fresh suit. Even in the First Suit the Plaintiff had raised the apprehension that the articles published by Defendant Nos. 2 to 4 in the present Plaint were at the behest of Defendant No. 1. The Plaintiff ought to have claimed the reliefs sought in the present Plaint in the First Suit itself and the Plaintiff cannot be allowed to file a fresh suit for reliefs that has not been sought in the First Suit although the same being available at the filing of the First Suit.

31. The Plaintiff's reliance on *Bengal Waterproof* (supra), *Zyduz Wellness* (supra) and *Ms. Ruchi Kalra* (supra) to submit that the provisions of Order II Rule 2 of CPC would not be applicable in cases where there is a continuous cause of action does not help the case of the Plaintiff either. Order II Rule 2 of CPC is aimed against multiplicity of the suits in respect of same cause of action. Complete identity of cause of action and various reliefs flowing therefrom has not to be confused with various causes of action, which may accrue under same transaction. The subsequent circulation of media coverage stems from the Search and Seizure



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Proceedings and the Plaintiff being conscious of the media coverage and YouTube Video at the time of the filing of the First Suit did not seek any relief against the media coverage and YouTube Video and, accordingly, it cannot be now allowed to file a fresh suit for the reliefs omitted to be claimed in the First Suit.

32. Accordingly, the present Complaint is dismissed as barred under Order II Rule 2 of CPC, with liberty to the Plaintiff for amending the First Suit being CS (COMM) 855 / 2025 pending before this Court to bring on record the subsequent developments and implead necessary parties, in accordance with law. Pending Applications stand disposed of.

TEJAS KARIA, J

NOVEMBER 24, 2025
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