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IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED : 14.10.2024

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(IPD).Nos.27 & 28 of 2024
and W.M.P.No.30011 of 2024

W.P.(IPD).No.27 of 2024

1.S.Sudhakar
2.S.Dhinakar
3.Shri Lakshmi Agro Foods … Petitioners

Vs

1.The Registrar of Trademarks,
Trademarks Registry,
Sampada Bhawan,
Mumbai – 400 037.

2.The Deputy Registrar of Trademarks,
Trademarks Registry
Intellectual property Office Building
G.S.T. Road, Guindy,
Chennai – 600 032.

3.S.Giridharan … Respondents

PRAYER:- This Writ Petition has been filed under Article 226 of Constitution of India, seeking direction to the 1st and 2nd respondent to rectify all entries relating to TM No.595393 as sought for by the petitioners vide representation dated 26.10.2023 to correctly reflect the name of the registered proprietor as "S.Giriedharan, S.Sudhakar, L.Senthilvel and L.Arunkumar trading in partnership as Shri Lakshmi Agro Foods" as per form TM-1, journal publication dated 23.04.1993 and Trademark Certificate dated 31.10.2002.

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For Petitioner :- B.Madhan Babu for
Mr.Mr.Rahul Balaji

For Respondents : Mr.K.Subbu Ranga Bharathi for RR1 & 2
CGC

: Mr.K.Dhananjayan for R3
for Mr.S.N.Subramani

W.P.(IPD).No.28 of 2024

S.Giridharan … Petitioner

Vs

1.The Registrar of Trademarks,
Trademarks Registry,
Sampada Bhawan,
Mumbai – 400 037.

2.The Deputy Registrar of Trademarks,
Trademarks Registry
Intellectual property Office Building
G.S.T. Road, Guindy,
Chennai – 600 032.

3.S.Sudhakar … Respondents

PRAYER:- This Writ Petition has been filed under Article 226 of Constitution of India, seeking to direct the second respondent to consider my representation dated 23.07.2022, 11.11.2023 & 09.09.2024, consequently, direct to postpone the physical hearing dated 30.09.2024 and to pass such further other order.

For Petitioner :- Mr.K.Dhananjayan
for Mr.S.N.Subramani

https://www.mhc.tn.gov.in/judis

For Respondents :- Mr.K.Subbu Ranga Bharathi for RR1 & 2

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CGC
:- Mr.B.Madhan Babu for RR3 to R5
for Mr.Rahul Balaji

ORDER

When these matters were taken up for hearing, Mr.K.Subbu Ranga Bharathi, learned counsel appearing on behalf of the Registrar of Trade Marks / first respondent in both the petitions would submit that the original TM-I form had not been fully uploaded during the digitization process. He had also produced a copy of the original TM-I form and also the digitalized version and had submitted that the digitalized version will be corrected in terms of the original TM-I form.

2. In view of the specific statement made by the learned counsel appearing on behalf of the first and second respondent, no further adjudication is required to be made in W.P.(IPD) No.27 of 2024 and consequently the same is closed, however, there shall be a direction for the respondents to update the correct TM-I form in the digitalized copy within a period of two weeks from the date of receipt of a copy of this order.

3. The petitioner shall also intimate a copy of the order to the first and second respondents. At any time, such updation shall be made on or before

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08.11.2024.

4. As regards to W.P.(IPD) No.28 of 2024, the prayer that had been sought for is to consider the representations of the petitioner therein dated 23.07.2022, 11.11.2023 and 09.09.2024 and to postpone physical hearing date 30.09.2024.

5. It has been brought to the notice of this Court that the hearing of the said application had been adjourned *sine die,* in view of the pendency of the Writ Petition. However, it has been brought to the notice that no orders have been passed on the representations made by the petitioner. It is to be noted that the hearing i.e., fixed on 30.09.2024 was to hear an application that had been filed by the third respondent for assignment of the mark in which notice has also been issued to the petitioner for attending the enquiry. The representations of the petitioner dated supra are all prayed for rejecting the said application given by the third respondent. .

6. In such view of the matter, even to consider the representation to reject the claim of the third respondent, the first and second respondents would have to hear the parties concerned. Hence, there can be no impediment for the respondents in continuing to decide the issue between

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the private parties.

7. In such view of the matter, the official respondents are directed to proceed with the application filed by third respondent and also at the same time consider the representations of the petitioner dated 23.07.2022, 11.11.2023 and 09.09.2024 and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is needless to mention that an opportunity of hearing to both the private parties shall be accorded by the official respondents while passing the orders.

8. With the aforesaid directions, the respective Writ Petitions are disposed of. Connected miscellaneous petition is closed. There shall be no order as to costs.

14.10.2024

Gba

Index : Yes/ No
Speaking Order/ Non-speaking Order

Copy to:

1.The Registrar of Trademarks,
Trademarks Registry,
Sampada Bhawan,
Mumbai – 400 037.

https://www.mhc.tn.gov.in/ipd

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2.The Deputy Registrar of Trademarks,
Trademarks Registry
Intellectual property Office Building
G.S.T. Road, Guindy,
Chennai – 600 032.

K.KUMARESH BABU,J.

GBA

W.P.(IPD).Nos.27 & 28 of 2024
and W.M.P.No.30011 of 2024

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