ML 12
06.06.2023
Court. No. 19
GB

C.O. 1166 of 2023

Sayed Sartaz Ali
Vs.
Registrar of Trade Marks, Trade Marks Registry,
Kolkata & Anr.

Mr. Siddhartha Das,
Mr. Shouvik Kundu,
Ms. Suspea Mitra

... for the Petitioner.

Being aggrieved by and dissatisfied with the inordinate delay in disposal of the opposition filed by the opposite party no.2 against the Registered Trade Mark bearing no.2778829 in Class 3, the petitioner has preferred this revisional application for a direction upon the Registrar of Trade Marks, Trade Mark Registry, Kolkata to conclude the proceeding expeditiously.

According to the petitioner, the said opposition is otherwise ready for hearing and is pending since July 19, 2020. It is further submitted that evidence was closed on the said date.

The petitioner is also aggrieved as no notice of hearing of the opposition proceedings, has yet been issued.

As this is simpliciter a prayer for expeditious disposal of the opposition proceedings, the Court is of the view that both the petitioner and the opposite parties shall be benefited if the proceedings are disposed of within a short

period. Thus, notice of this application need not be served prior to disposal of the same.

The revisional application is disposed of directing the Registrar of Trade Marks, who has the powers of the civil court in terms of Section 127 of the Trade Marks Act, 1999 and discharges quasi judicial functions, to conclude the opposition proceedings within a period of two months from date of communication of this order, upon granting opportunity to all the parties including the opposite party no.2 to contest the said proceedings.

This Court has not gone into the merits of the claims and counter-claims of the parties. The proceedings shall be disposed of on the basis of the records, the law and the arguments to be advanced by the parties.

The Registrar of Trade Marks is directed to act on the basis of a server copy of this order.

A copy of the revisional application along with a copy of this order be served upon the opposite parties.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)