



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM:

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

C.M.P.No.32823 of 2025

and

C.M.A.(TM) SR.No.200893 of 2025

Vision Stationery Pvt. Ltd
8th Floor, The Chambers,
Opp. New Gurudwara,
Sarkhej-Gandhinagar Highway,
Ahmedabad 380055.

..Appellant

Vs.

1. Assistant Registrar of Trade Marks
Trade Marks Registry,
Intellectual Property Office Building,
G.S.T.Road,
Guindy, Chennai 32
2. M/s.Himalaya Publishing House Pvt. Ltd
Plot No.01-33, 2nd Main Road, Seshadripuram,
Near Nataraja Theatre,
Bangalore 560020.

..Respondents

PRAYER: Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, 1963, to condone the delay of 70 days in filing this appeal against the order dated 27.6.2025 passed by the learned Asst. Registrar of Trade Marks and G.I. in Trade Mark ApplicationNo.5316295, and Opposition No.1263696 and thus render justice.

For Appellant : Mr.G.Ramesh

For Respondent : Mr.V.Ashok Kumar, SPC, For R-1
Mr.S.Diwakar For R-2



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ORDER

Civil Miscellaneous Petition is filed to condone the delay of 70 days in filing the appeal against the order dated 27.6.2025 passed by the learned Asst. Registrar of Trade Marks and G.I. in Trade Mark Application No.5316295, and Opposition No.1263696.

2. Learned counsel for the petitioner submitted that the appellant's company is situated in Ahmedabad, Gujarat and the petitioner herein is the authorised representative of the said company. He further stated that the petitioner was unavailable due to unavoidable health conditions, due to which there has been a delay of 70 days in filing the present appeal. Therefore, he sought for the permission of this Court to condone the delay of 70 days in filing the above appeal.

3. Mr.S.Diwakar, learned counsel for the second respondent filed the counter affidavit before this Court stating that the petitioner has not filed any material evidence to substantiate the reasons stated in the affidavit to condone the delay of 70 days in filing the appeal. Therefore, he prayed for dismissing the condone delay petition filed by the petitioner.



4. Even though no supporting document is filed, the delay is meagre and the petitioner's right of appeal cannot be curtailed. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing on either sides and accepting the averments contained in the affidavit filed in support of the petition, this Court is inclined to allow this petition, subject to the petitioner duly compensating the inconvenience caused to the second respondent by paying the costs of Rs.5,000/- (Rupees Five Thousand only) to the second respondent.

5. Accordingly, the delay of 70 days in filing the appeal is hereby condoned and the petition is allowed, upon payment of costs to the second respondent by the petitioner. Upon payment of such costs, Registry is directed to number the appeal, if it is otherwise in order.

20-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To
The Assistant Registrar Of Trade Marks
Trade Marks Registry, Intellectual Property Office
Building, G.S.T.Road, Guindy, Chennai 600 032



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DR.A.D.MARIA CLETE J.

sts

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and C.M.A.(TM) SR No.200893 of 2025

Dated:
20-08-2026