

In the High Court of Judicature at Madras

Dated: 20.01.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice M.M. SUNDRESH

Writ Petition No. 9218 of 2007
and M.P. No. 1 of 2007

V. Pichandi
Sole Proprietor of & trading as
Shri Ambika Match Works
18, Sannathi Thoppu Street
Nellorepet, Gudiyattam 632602
Tamilnadu.

.. Petitioner

vs.

1. Chakrapani Ilango
trading as M/s. Chakrapani Match Works
24 A, Patel Street
Bhuvaneshwaripet
Gudiyattam - 632 602.

2. The Registrar of Trade Marks
Office of the Trade Marks Registry
101, Old CGO Building
Maharishi Karve Road
Mumbai 400 020.

3. The Intellectual Property Appellate Board
Annex I, 2nd Floor, Guna Complex
443, Anna Salai, Teynampet
Chennai 600 018.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the Intellectual Property Appellate Board dated 23.02.2007 made in ORA/2/2006/TM/CH, quash the same and remove/cancel the entry from the register of Trademarks relating to the Trademark PULS 5 label registered under No.1239557 in Class 34.

For Petitioner : Ms. Brinda Mohan

For Respondents : Mr. T.D. Selvan Babu for R1

O R D E R

(Made by The Hon'ble The Chief Justice)

Learned counsel appearing for the first respondent states that the said respondent passed away long time back and that the business is not being carried on at the given address. Learned counsel for the petitioner states that she has been unaware of these facts.

2. On a query, the learned counsel for the first respondent also states that he is not aware as to who are the legal heirs of the first respondent or their whereabouts, as they are not in touch with him.

3. We take the aforesaid on record.

4. In view of the aforesaid facts, we dispose of the writ petition with liberty to the petitioner to revive the same in case the petitioner finds that there is a continuing cause of action and she is able to locate the legal heirs concerned and move necessary application for impleadment. No costs. Consequently, M.P. No.1 of 2007 is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ATR

To;

1. The Registrar of Trade Marks
Office of the Trade Marks Registry
101, Old CGO Building
Maharishi Karve Road Mumbai 400 020.
2. The Intellectual Property Appellate Board
Annex I, 2nd Floor, Guna Complex
443, Anna Salai, Teynampet
Chennai 600 018.

1 cc to Mr.Arul L. Mohan, Advocate, Sr. 2981

W.P. No. 9218 of 2007

MSM (CO)

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