

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.09.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.3824 of 2010

Amalco Herbal Products

...Petitioner

Versus

1.Intellectual Property Appellate Board
Annexe-1, 2nd Floor, Guna Complex
443, Anna Salai, Teynampet,
Chennai 600 018.

2.Assistant Registrar of Trade Marks,
Trade Marks Registry,
Chennai.

3.Three-N-Products Private Limited,
2/12, West Patel Nagar,
New Delhi 110008,
represented by its Managing Director

...Respondents

Petition filed under Article 226 of the Constitution of India
praying for the issue of a writ of Certiorari, calling for the
records of the 1st respondent in ORA.No.116/2007/TM/CH/6354, and Dairy
No.3482/2009/TM/IPAB in S.R.No.45 of 2009/TM/IPAB and
SR.No.45/2009/TM/IPAB and to quash the order dated 12.09.2008 and
30.09.2009.

For Petitioner : Mr.Ambili Menon

For Respondents : Mr.A.Kumaraguru
for R.1 and R.2

Mr.P.C.N.Raghupathy for R3

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

Learned counsel for the petitioner states that the review application filed by the petitioner before the IPAB was dismissed as not maintainable, but in view of the subsequent Judgment of the larger Bench of the IPAB in RP/1/2011 in ORA/42/2008/TM/CH dated 08.07.2013, the review is maintainable and thus the only relief she seeks is to have that matter considered on merits.

2. In view of the aforesaid Judgment, we remit the matter back to the IPAB to examine the review application as to whether the original order suffers from any error apparent on the face of the record.

3. The impugned orders dated 12.09.2008 and 30.09.2009 are consequently set aside and the writ petition stands allowed to the aforesaid terms. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ksr

To

1. Intellectual Property Appellate Board
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represented by its Managing Director

1 CC to Mr.Ambili Menon, Advocate SR.No. 49105

1 CC to Mr.A.Kumaraguru, Advocate SR.No. 49504

W.P.No.3824 of 2010

CA(CO)
PSI (05.10.2015)



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