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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5761/2013

MAHINDRA & MAHINDRA FINANCIAL SERVICES LIMITED

..... Petitioner

Through: Mr. Naresh Kaushik, Adv. with Ms.
Joymoti Mize, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. C.M. Goyal, Adv. for R-1
Mr. Rakesh Kumar with Mr. Parmod Sachdeva,
Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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16.02.2016

The present writ petition has been filed challenging the order dated 24th May, 2013 passed by respondent No. 2 whereby the petitioner's application under Section 22 of the Companies Act was rejected. The relevant portion of the impugned order is reproduced hereinbelow:-

“But the name of the respondent company i.e. M/s. Mahindra Finance Private Limited cannot be considered as “identical” or “too nearly resembling” with the trade mark of the applicant company “Mahindra Finance” under provisions of Section 22 of Companies Act, 1956, because it contains one additional different works i.e. “Finance.”

In the opinion of this Court, the aforesaid reasoning is contrary to facts and untenable in law.

No reasonable person can hold that '*M/s. Mahindra Finance Private Limited*' is not identical to or not too nearly resembling the mark '*Mahindra Finance*'. Consequently, the impugned order is set aside and the matter is remanded back to respondent No. 2 to conduct a fresh hearing and decide the petitioner's application under Section 22 of the Companies Act in accordance with law.

Respondent No. 2 is also directed to decide the matter as expeditiously as possible preferably within a period of three months.

Rights and contentions of all parties on issues other than the one decided by this Court, are left open.

With the aforesaid observations and directions, the present writ petition is disposed of.

Order dasti.

MANMOHAN, J

FEBRUARY 16, 2016
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