

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2018

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. Nos. 23271 to 23273 of 2018
and

W.M.P.Nos.27155 to 27163 of 2018

M/s. Sri Krishna Sweets Pvt Ltd
Having registered office at
137, D.B. Road, R.S. Puram
Coimbatore - 641 002

Represented by its Director
Mr. M. Krishnan

...Petitioner in all WPs

Vs.

1. Union of India,
Rep. By its Secretary,
Ministry of Commerce and Industries,
Udyog Bhavan
New Delhi.

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

3. The Registrar of Trade Marks,
The Trade Marks Registry,
Chennai 600 032.

4. Mr. M. Murali
Son of late Sri. N.K. Mahadeva Iyer
No. 26 Chinniya Street, T. Nagar,
Chennai 600 017

...Respondents in
all WPs

Prayer: Writ Petitions filed under Article of 226 of the
Constitution of India praying for issuance of a writ of

certiorarified mandamus calling for the records culminating in the impugned common order dated 21.05.2018 in Original Application Sr. Nos. 24/2017/TM/CHN, 25/2017/TM/CHN, 25/2018/TM/CHN passed by 2nd Respondent and quash the same and consequently direct the 2nd Respondent to return the fresh rectification application filed by the 4th respondent in relation to Trademark registered as TM Nos. 404943, 484524, 484524 in SR Nos. 41/2018/TM/CHN, 42/2018/TM/CHN, 43/2018/TM/CHN in ORA Nos. 5133/5134 filed by the 4th respondent before the 2nd respondent.

For Petitioner : Mr. N. V. Nagasubramanian
for M/s. M. Sricharan Rangarajan

For Respondents : Mr. T.V. Krishnamachari,
Spl. Govt. Pleader for R1 to R3
Mr. Satish Parasaran, Sr. Counsel
for Mr. Madhan Babu for R4

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

These writ petitions are filed, challenging the order by which the rectification applications were treated as abandoned and resultantly liberty was given in favour of the fourth respondent to file fresh applications. Accordingly, the fourth respondent filed fresh applications in SR Nos. 41, 42 and 43 of 2018, which have been numbered as ORA Nos. 26, 27 and 28 of 2018. These applications are pending before the Intellectual Property Appellate Board, Chennai.

2. Today, a memo has been filed by the petitioner wherein it has been stated as follows:-

"1. The writ petitioner in the above writ petitions may be given the liberty to canvas the maintainability of fresh rectification petitions filed by the fourth respondent in SR Nos. 41, 42 and 43 of 2018/TN/CHN (ORA Nos. 26, 27 and 28 of 2018) now pending before the Intellectual Property Appellate Board, Chennai including the validity of the liberty granted to the fourth respondent to file fresh rectification petitions.

2. I.A. Nos. 1038, 1039 and 1040 of 2018 in O.S. No. 425 of 2016 now pending on the file of the Third Additional District Judge of Coimbatore may be disposed of within a period

of two months in accordance with law. Till then the proceedings in IPAB may be stayed. The writ petitions may be disposed of as per this memo."

3. The learned senior counsel appearing for the fourth respondent does not have any objection to dispose of these writ petitions in tune with the memo filed.

4. Accordingly, the writ petitions stand disposed of in tune of the memo filed by the learned counsel appearing for the petitioner. Needless to state that all issues are left open to be decided either in the pending suit or in the applications filed in ORA Nos. 26, 27 and 28 of 2018 before the third respondent. The III Additional District Judge, Coimbatore is directed to dispose of I.A. Nos. 1038, 1039 and 1040 of 2018 within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Ministry of Commerce and Industries,
Udyog Bhavan
New Delhi.
2. The Intellectual Property Appellate Board,
Guna Complex, Annexe - I, 2nd Floor,
443 Anna Salai, Teynampet,
Chennai 600 018.
3. The Registrar of Trade Marks,
The Trade Marks Registry,
Chennai 600 032.
4. The III Additional District Judge,
Coimbatore.

+1cc to Mr. T.V. Krishnamachari, Advocate sr.no.77155
+1cc to M/s. M. Sricharan Rangarajan, Advocate sr.no.77743

W.P. Nos. 23271 to 23273 of 2018

nr 16/11/2018