

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

WRIT PETITION NO.789 OF 2018

Jethanand Lekhrajmal Kokal & anr.

... Petitioners

Vs

Union of India & Ors.

... Respondents

Mr.A.A. Kirpekar i/b MAG Legal for the Petitioners

Mr.Anjani Kumar Singh for Respondent Nos.1 & 2

Dr.Virendra Tulzapurkar, Senior Advocate with Mr.Amit Jamsandekar, Karishma Shirke i/b Hemang Engineer & M/s.Gordhandas & Fozdar for Resp. No.3

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATED: JULY 24, 2019

P.C.:

1. The petitioners have challenged the order dated 31.7.2017 concerning the change in registration of the trade mark of a particular product. This is based on an alleged deed of assignment dated 1.8.2016, which the petitioners hotly dispute having been executed by them. Be that as it may, we are not inclined to entertain this petition on a short ground of availability of an alternative, efficacious remedy, which the petitioners have also

availed. The respondents point out that under section 57 of the Trade Marks Act, 1999, the Competent Authority has power to cancel or vary any registration and to rectify the register. The petitioners aggrieved by the changes in the Trade Mark Register have already moved an application for rectification, copy of which is produced by the petitioners themselves at page 59 of the compilation. These proceedings are pending.

2. Under the circumstances, we would not permit the petitioners to pursue this petition. Without entering into the merits of the rival contentions, this petition is disposed of accordingly. We request the Competent Authority under section 57 of the Trade Marks Act to pass final order expeditiously and preferably within three months from the date of receipt of copy of this order.

3. Writ Petition is disposed of accordingly.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)