

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.11.2019
CORAM:

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.NO.15324 OF 2019

M/s.Sri Rajeswari Fire Works,
rep. by its Managing Partner K.Prithiviraj,
9-D, Chairman NPSN Arumugam Road,
Sivakasi - 626 123.

... Petitioner

vs.

1. Intellectual Property Appellate Board,
Guna Complex, Annexure I, 2nd Floor,
443, Anna Salai, Teynampet, Chennai 600 018.
2. The Registrar of Trade Marks,
Trade Marks Registry, I.P. Building,
G.S.T. Road, Guindy, Chennai 600 032.
3. M/s.Sri Kaliswari Fire Works,
No.5A, Chairman A.Shanmuga Nadar Road,
Sivakasi - 626 123.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorari, calling for the records of the 1st Respondent pertaining to the proceedings in OA/36/2011/TM/CH, dated 12.11.2018 and quash the same insofar as the imposition of costs is concerned.

For Petitioner : Mr.P.Valliappan
For Respondents 1 & 2 : Mr.T.V.Krishnamachari
For 3rd Respondent : Mr.R.Sathish Kumar

O R D E R

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

This Writ Petition has been filed, aggrieved by the impugned order, by which, while recording the statement made by the learned counsel for the Petitioner, a sum of Rs.20,000/- has been imposed as costs.

2. Learned counsel for the Petitioner firstly submitted that no such statement has been made. Secondly, he submitted that the finding rendered by the 1st Respondent/Intellectual

Property Appellate Board, will have a bearing on the pending Appeal before the Madurai Bench of this Court.

3. We are of the view that there is no need to keep the Writ Petition pending. Though, we are aware of the position of law with respect to the statement made by the learned counsel for the Petitioner before the 1st Respondent, in which case a Review will lie, inasmuch as, ultimately only a sum of Rs.20,000/- is imposed as costs, and a larger relief is pending before the Madurai Bench of this Court, in pursuance of the decree granted by the Principal District Court, Srivilliputhur, we observe that the Madurai Bench of this Court shall decide the Appeal on its own merits and in accordance with law, without being influenced by any of the observations made in the impugned order. This would include the so-called disputed statement made by the learned counsel, as well.

4. Insofar as the costs are concerned, we reduce the same from Rs.20,000/- to Rs.10,000/- (Rupees Ten Thousand only) payable by the Petitioner in favour of the 3rd Respondent herein.

The Writ Petition is disposed of with the above observations. No costs. Consequently, connected W.M.P.No.15317 of 2019 is closed.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. Intellectual Property Appellate Board,
Guna Complex, Annexure I, 2nd Floor,
443, Anna Salai, Teynampet, Chennai 600 018.
2. The Registrar of Trade Marks,
Trade Marks Registry, I.P. Building,
G.S.T. Road, Guindy, Chennai 600 032.

+1cc to Mr.R.Sathish Kumar, Advocate, S.R.No.93457
+1cc to Mr.T.V.Krishnamachari, Advocate, S.R.No.93604
+2cc to Mr.P.Valliappan, Advocate, S.R.No.93827

W.P.No.15324 of 2019

PA(CO)
CS/17/12/2019