

A.No.865 of 2021
in
C.S.No.546 of 2014

R.SUBRAMANIAN, J.

This application has been filed seeking leave to initiate proceedings before the Intellectual Property Appellate Board for rectification of the registered Trademark MUTHU device under No.2808478 in class 30 from the Register of Trademarks.

2. After the filing of this application, the Intellectual Property Appellate Board has been abolished and the jurisdiction is to be exercised by this Court. In view of the judgment of the Hon'ble Supreme Court in *Patel Field Marshal Agencies Vs. P.M.Diesels Ltd., and others* reported in **2018 (2) SCC 112**, the law is now settled that a person who seeks to file an application for rectification has to necessarily take the leave of the Court before which the suit regarding infringement is pending.

3. In view of the same, this application is **ordered**, permitting the applicant to seek rectification of the Mark in dispute. The question as to whether the rectification proceedings as and when initiated and the suit should be tried simultaneously or jointly is left open to be decided at the appropriate time.

24.06.2021

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