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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 17th DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

A.No.3832 of 2021

in

C.S.No. 259 of 2019

(Comm. Suits)

Hatsun Agro Product Ltd.,
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR)
Karapakkam, Chennai 600 097.

And also carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opp.:IOB Towers Branch,
Chennai 600 040.

Rep.by its Authorised Signatory

..Plaintiff

Vs.

1. British Life Sciences Private Limited
No.410/1 Puttenahally Main Road (Behind Inchara Hotel)
6th Phase J P Nagar,
Bangalore 560078.

2. British Nutritions Private Limited
No.30, 10th Main, Ashoka Pillar Road
Jayanagar 2nd Block
Bangalore 560011.

: Defendants

A.No.3832 of 2021:-

1. British Life Sciences Private Limited
No.410/1 Puttenahally Main Road (Behind Inchara Hotel)
6th Phase, J P Nagar,
Bangalore 560078.



2. British Nutritions Private Limited
No.30, 10th Main, Ashoka Pillar Road
Jayanagar 2nd Block
Bangalore 560011.

: Applicants /Defendants

Vs.

Hatsun Agro Product Ltd.,
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR)
Karapakkam, Chennai 600 097.
And also carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opp.:IOB Towers Branch,
Chennai 600 040.
Rep.by its Authorised Signatory

:Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased to grant leave to the Applicants/Defendants to file additional written statement in C.S.No.259 of 2019.

This Application coming on this day before this court for hearing, the Court made the following order:

This application has been filed seeking leave to file an additional written statement.

2. The applicants/defendants in the original written statement have questioned the validity of the respondent's mark 'Arokya'. The applicants have also filed an application seeking leave of this Court to approach the



Intellectual Property Appellate Board [IPAB] seeking for rectification/cancellation/removal of the registration mark 'Arokya' that stands in the name of the respondent. However, the IPAB came to be abolished and in view of the same, the application filed by the applicants also became infructuous and it was closed on 05.08.2021. This Court also made it clear that a separate issue will be framed regarding the validity of the respondent's mark.

3. In view of the above development, the applicants have chosen to file this application seeking for leave to file additional written statement in order to elaborate the grounds on which the applicants are questioning the very validity of the mark that has been assigned in favour of the respondent.

4. Heard Mr.S.Diwakar, learned counsel appearing on behalf of the applicants and Mr.N.Suryasenthil, learned counsel appearing on behalf of the respondent.

5. In the considered view of this Court, the subsequent development that has taken place has given rise to this application seeking for leave to file the additional written statement. Obviously, the applicants will have to plead specifically in the written statement with regard to the invalidity of the respondent's trade mark before this Court. Unless that is done, it will not



be possible for this Court to frame the issue in this regard. In any case, the respondent will have sufficient opportunity to put forth their case as and when this issue is taken up by this Court. Therefore, there will be no prejudice to the respondent if this application seeking for leave is allowed by this Court. In view of the above discussion, this Court has no hesitation to allow this application.

6. Accordingly, this application is allowed. The additional written statement is taken on file. Certain documents have also been filed along with the additional written statement. Therefore, there shall be a direction to the applicants to file the statement of truth and a copy of the same shall also be served on the learned counsel for respondent. It is also left open to the respondent to file their reply/rejoinder for the additional written statement filed by the applicants.

Sd./-N.A.V.J
17.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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jj 23/11.2021