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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL MISCELLANEOUS PETITION NO.758 OF 2022

Arcor SAIC

...Petitioner

Versus

Mr. Ghanshyamdas Pahuja & Anr.

...Respondents

Ms. Janhvi Chadha with Ms. Preeta Panthaki i/b. Krishna & Saurastri Associates LLP for the Petitioner.

Ms. Manashree Engineer i/b. Gordhandas and Fozdar for the Respondent No.1.

CORAM : R.I. CHAGLA J

DATE : 13TH DECEMBER, 2023

ORDER :

1. By this Commercial Miscellaneous Petition, the Petitioner has sought for cancellation and / or removal from the Register, the Trade Mark No.2328429 in Class 30 in the name of Respondent No.1.

2. The learned Counsel for the Petitioner has referred to the Section 25(3) of the Trade Marks Act, 1999 which provides that before the expiration of the last registration of a trade mark, the

Registrar shall send notice in the prescribed manner to the registered proprietor of the date of expiration and the conditions as to payment of fees and otherwise upon which a renewal of registration may be obtained, and, if at the expiration of the time prescribed in that behalf those conditions have not been duly complied with the Registrar may remove the trade mark from the register. In the proviso to sub Section 3 of Section 25, it is provided that the Registrar shall not remove the trade mark from the register if an application is made in the prescribed form and the prescribed fee and surcharge is paid within six months from the expiration of the last registration of the trade mark and shall renew the registration of the trade mark for a period of ten years under sub-section (2).

3. The learned Advocate for the Respondent No.1 on instructions states that the requirement under sub Section 3 of Section 25 read with proviso thereto has not been complied with by the Respondent No.1.

4. In view thereof, the Respondent No.2 is directed to remove the trade mark No.2328429 in Class 30 in the name of the Respondent No.1 from the register of Trade Marks.

5. The Commercial Miscellaneous Petition is disposed of accordingly.

6. At this stage, the learned Advocate for the Respondent No.1 undertakes to file Vakalatnama within a period of one week from today.

[R.I. CHAGLA J.]