

Sharayu Khot.

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

COMMERCIAL MISCELLANEOUS PETITION NO. 1 OF 2023

Duluxgroup (Australia) Pty. Ltd.

...Petitioner

Versus

The Senior Examiner of Trade Marks, Mumbai

...Respondent

Mr. Karan Khiani a/w Mr. Gaurav Mukherjee, Mr. Aditya Mahadevia
i/by Rashmi Singh and Gaurav Pande for the Petitioner.

Ms. Poushali Roychoudhury h/f Mr. Advait M. Sethna, Ms. Ruchi
Rajput i/by Pranil Sonawane, Advait Sethna for the Respondent.

CORAM : R.I. CHAGLA J

DATE : 29 September 2023

ORDER :

1. By this Petition, the Petitioner is seeking to set aside the Respondent's order dated 18th September 2021 on the grounds mentioned in the Petition.

2. The learned Advocate appearing for the Respondent states on instructions that the matter may be remanded back to the Respondent for *de novo* hearing and passing off the order after giving

SHARAYU
PANDURANG
KHOT

Digitally
signed by
SHARAYU
PANDURANG
KHOT
Date:
2023.10.03
18:25:46
+0530

reasons.

3. Accordingly, the following order is passed.:-

- (i) The impugned order dated 18th September 2021 is set aside.
- (ii) Matter is remanded back to the Respondent/The Senior Examiner of Trade Marks, Mumbai for granting fresh hearing to the Petitioner and thereupon pass reasoned order which shall deal with the submissions of the Petitioner.
- (iii) This exercise shall be completed by the Respondent within a period of 12 weeks from the date of this order.
- (iv) Commercial Miscellaneous Petition is accordingly, disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]