

Sharayu Khot.

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

COMMERCIAL MISCELLANEOUS PETITION NO. 18 OF 2023

Moberg Pharma AB (PUBL)

...Petitioner

Versus

The Senior Examiner of Trade Marks, Mumbai ...Respondent

Mr. Karan Khiani, Mr. Aditya Mahadevia i/by Rashmi Singh & Gaurav Punde for the Petitioner.

Mr. Siddhantrao Molankar h/f Mr. Advait Sethna i/by Mr. Ashutosh Mishra for the Respondent.

CORAM : R.I. CHAGLA J

DATE : 19 June 2023

ORDER :

1. By this Commercial Miscellaneous Petition, the Petitioner is seeking setting aside of order dated 2nd September 2021 passed by the Senior Examiner of Trade Marks.

2. The Petitioner has challenged the impugned order on the ground that it is an unreasoned order and fails to consider submissions and/or material placed by the Petitioner before the

Senior Examiner of Trade Marks.

3. Learned Counsel appearing for the Respondent-Senior Examiner of Trade Marks has taken instructions from the Respondent and has no objection to the matter being remanded back for fresh consideration.

4. In view thereof, the impugned order dated 2nd September 2021 is set aside.

5. The matter is remanded back to the Respondent-Senior Examiner of Trade Marks for fresh consideration of the submissions and / or material produced by the Petitioner and upon consideration of the same, reasoned order be passed.

6. This exercise shall be carried out within a period of eight weeks from the date of this Order.

7. Commercial Miscellaneous Petition is accordingly, disposed of.

8. At this stage, learned Advocate appearing for the Respondent states that the arguing Counsel Mr. Sethna has apprised the Registrar of the observations of this Court made in order dated 14th June 2023, wherein this Court has observed that in a series of matters which have come up before this Court, though submissions and documents in support of the Petitioner's case of registration of the applied for mark has been placed before the Registry of Trade Marks in the Replies files, these are not considered. The Registrar of Trade Marks has assured this Court that steps will be taken to comply with the order of this Court and that reasoned orders will henceforth be passed. This is accordingly noted.

[R.I. CHAGLA J.]