

Sharayu Khot.

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

COMMERCIAL MISCELLANEOUS PETITION NO. 25 OF 2023

Tanaka Yoshiko

...Petitioner

Versus

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

Mr. Karan Khiani a/w V. Mohini, Mr. Aditya Mahadevia i/by Rashmi Singh and Karan Khiani for the Petitioner.

Mr. Amogh Singh 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 7th 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

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reasons.

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

- (i) The impugned order dated 7th 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.]