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(T)OP(TM)10/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 05.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR
RAMAMOORTHY**

(T)OP(TM)10/2023
ORA/184/2010/TM/CH

Premier Airways Limited,
AL 37, 2nd Street, 12th Main Road
Anna Nagar West, Chennai-600 040.

... Petitioner

vs.

1.Easy Group Ltd,
10, Sydney Place, South Kensington,
London
United Kingdom.

2.The Registrar of Trade Marks,
Trade Mark Registry
IP Building, GST Road,
Guindy, Chennai-32.

... Respondents

PRAYER: Petition for the removal of trademark from the Register under Sections 47, 57 & 125 of the Trade Marks Act, 1999 prays that (1) that this petition may be allowed in its entirety with costs; (2) pleased to remove/expunge the impugned trademark of the 1st Respondent bearing Registration No.1324390 and appearing on the register of the trade marks under class 39 and more particularly stated in the said impugned



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registration/entry; and (3) that pending the hearing and final disposal of the present petition for removal of the Respondent's impugned mark bearing Registration No.1324390, this Court be pleased to suspend and or withhold all rights, title, interests and or claims of the Respondent in and from the said impugned Registration bearing No.1324390 in respect of the impugned mark more specifically stated in the said impugned Registration, be stayed.

For Petitioner : Mr.Arun C. Mohan

For Respondents : Mr.K.Prem Chander for
M/s.Anand and Anand for R1

ORDER

At the last hearing, learned counsel for the petitioner requested for time to obtain instructions. Today, learned counsel submits that he has been unable to contact the petitioner. Learned counsel for the respondents reiterates that the petitioner was struck off from the Register of Companies. He further submits that this was brought to the notice of this Court in C.S.No.466 of 2010, which is an infringement action instituted by the respondents herein. By taking note of the same, this Court dismissed the suit as infructuous.



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2. The company master data sheet pertaining to the petitioner has been placed before me. This document records the status of the petitioner as struck off from the Register of Companies. Consequently, the petitioner does not exist as a juristic entity as on date.

3. By taking note of this development, (T)OP(TM)No.10 of 2023 is dismissed without any order as to costs.

05.06.2023

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SENTHILKUMAR RAMAMOORTHY,

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