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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/85/2023
(ORA/122/2013/TM/CHN)

M/s.K.P. Namboodiri's Ayurvedics,
Represented by its Proprietor,
Sri . K. Bhavadasan, No. 15, KPN's Complex,
Shornur Road, Thrissur - 680022, Kerala.

... Petitioner

-VS-

1.Dr. S. Sajikumar
Valanchira,
Post Puthiyavila,
Kayamkulam - 690 531,
Kerala State , India.

2.The Registrar of Trademarks,
Trade Marks Registry,
Chennai.

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under
Sections 47, 57, 125 of the Trade Marks Act, 1999, praying to call for



and examine the records of the said registered trade mark No.1914715 registered in class 05 registered in favour of the registered proprietor and to cancel the subject registration obtained unlawfully as also to direct the Registrar of Trade marks to rectify the said trade mark no. 1914715 registered in Class 05 in the Register by expunging all the entries relating to the said trade mark No. 1914715 registered in Class 05.

For Petitioner : Mr.A.Swaminathan
for M/s.S.Balachandran, K.Rajasekaran

For Respondent 1 : Mr.M.S.Bharath

For Respondent 2 : Mr.A.R.Sakthivel, SPC

ORDER

The contesting parties have entered into a settlement and recorded the terms thereof in the Memorandum of Compromise



dated 31.10.2023. On perusal, the Memorandum of Compromise is signed by the petitioner and the first respondent, and by their respective counsel. As per the terms of settlement, the contesting parties have agreed to permit the trade marks of each other to co-exist in the market. Consequently, the contesting parties have agreed to withdraw all proceedings initiated against each other, including this petition. I see no legal impediment to the disposal of this petition in terms thereof.

2. Accordingly, (T)OP(TM)/85/2023 is disposed of in accordance with the Memorandum of Compromise dated 31.10.2023, which shall form an integral part thereof. There shall be no order as to costs.

21.11.2023

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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