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(T)OP(TM)/154, 155/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/154, 155/2023
(ORA/262, 263/2014/TM/CHN)

M/s.CE Biotech Pvt. Ltd.,
Ce Pe Towers, P.B. No.23 Tana,
Irinjalakuda 680 121,
Thrissur, Kerala.

... Petitioner in both OP's

-vs-

1.Mrs.M.Sarojini, Proprietrix,
M/s.Mehcec Labs, #200, M.E.I.Colony,
Peenya Third Phase,
Bangalore 560 058.

2.The Registrar of Trade Marks,
Trade Marks Registry,
IP Building, GST Road,
Guindy, Chennai 600 032.

... Respondents in both OP's

PRAYER in (T)OP(TM)/154/2023: Transfer Original Petition (Trade Marks) filed under Sections 47(1)(a)(2)(b), 57(2)(3) and 125(1) of the Trade Marks Act, 1999, praying to expunge / remove / limit use to the State of Karnataka of the trade mark ZIPROVIT registered under trade mark no.1306475 in Class 05 in the Register of Trade Marks or



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pass necessary orders to enable the petitioner to have peaceful co-existence and to use the said trade mark within the State of Kerala.

PRAYER in (T)OP(TM)/155/2023: Transfer Original Petition (Trade Marks) filed under Sections 47(1)(a)(2)(b), 57(2)(3) and 125(1) of the Trade Marks Act, 1999, praying to expunge / remove / limit use to the State of Karnataka of the trade mark ZIPROVIT registered under trade mark no.2100182 in Class 30 in the Register of Trade Marks or pass necessary orders to enable the petitioner to have peaceful co-existence and to use the said trade mark within the State of Kerala.

For Petitioner : No appearance
in both OP's

For Respondent 1 : Mr.Arun C.Mohan
in both OP's for M/s.Holla Associates

For Respondent 2 : Mr.N.Ramesh, SPC
in both OP's

COMMON ORDER

Two bailiff's reports dated 16.08.2023 and 16.09.2023 are on



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record. The process server concerned recorded therein that notice could not be served on the petitioner because the petitioner is no longer functioning at the specified address. In fact, the bailiff's reports further record that, upon being informed that the institution had shifted to another address, the bailiff attempted to serve notice at the said address. Since the petitioner was not functioning at that address also, it was recorded that notice could not be served. In these circumstances, these petitions cannot be adjudicated.

2. Consequently, (T)OP(TM)/154, 155/2023 are dismissed for non-prosecution without any order as to costs.

30.10.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

SENTHILKUMAR RAMAMOORTHY,J

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