



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/318/2023
(ORA/36/2019/TM/CHN)

Sivaji Hi-Tek Foods Private Limited,
#100, Medavakkam Main Road,
Keelkattalai, Chennai - 600 117.

... Petitioner

-vs-

1.V.K.R.Venkatesan
Proprietor of VKR Prakash
Modern Rice Mill
34/8, Kalleripattu Colony
Road, Arni Taluk,
Thiruvannamalai District.

2.The Registrar of Trade Marks,
Office of Trade Marks Registry,
IPR Building, SIDCO Industrial Estate, GST Road,
Guindy, Chennai 600 032.

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under
Sections 9(1)(a), 9(2)(b), 11(1), 11(2), 18(1), 47(1)(a), 47(1)(b), 57(1),
57(2) of the Trade Marks Act, 1999, praying to remove / expunge /



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rectify / cancel the entry relating to the trade mark SIVAJI (Device Mark) under Trade Mark Registration No.3046991 in Class 30.

For Petitioner : No Appearance

For Respondent 1 : Mr.Arun C.Mohan

For Respondent 2 : Mr.K.Subbu Ranga Bharathi, CGSC

ORDER

The bailiff's report dated 08.08.2023 contains evidence of service of notice on Mr.A.V.B.Krishnakanth, learned counsel who acted for the petitioner in proceedings before the IPAB, on 07.08.2023. The bailiff's report dated 05.08.2023 records that notice could not be served directly on the petitioner because the address specified is insufficient.



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2. Mr.A.V.B.Krishnakanth submits that he has no instructions to prosecute the petition on behalf of the petitioner and that he is unaware of an alternative address for service of notice on the petitioner. In these circumstances, the petition cannot be proceeded with.

3. Consequently, (T)OP(TM)/318/2023 is dismissed for non-prosecution without any order as to costs.

04.10.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

SENTHILKUMAR RAMAMOORTHY,J



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