



(T)OP(TM)/385/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/385/2023  
(ORA/98/2020/TM/CH)

Lakha Ram Sharma  
Proprietor,  
Kundan Cable India  
1/2268, Subash Marg,  
Mandoli Road,  
Ram Nagar, Shahdara,  
Delhi - 110 032.

... Petitioner

-VS-

1.Balar Marketing (P) Limited,  
2/62, Bhim Gali,  
Vishwas Nagar, Shahdara,  
Delhi 110 032.

2.The Registrar of Trademarks,  
Trademarks Registry,  
Baudhik Sampada Bhavan,  
Industrial Estate SIDCO RMD,  
Godown Area GST Road,  
Guindy,  
Chennai 600 032.

... Respondents



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**PRAYER:** Transfer Original Petition (Trademarks) filed under Sections 47, 57, 125 of the Trademarks Act, 1999, prays that the entry relating to the impugned trademark / label "KUNDAN CAB" registered under No.389177 in class 9 may be removed, cancelled and expunged from the Register of Trademarks and costs of the proceedings may be awarded in favour of the applicant and against the respondent no.1.

For Petitioner  
: Mr.M.K.Miglani

For Respondent 1 : Mr.Shravan Kumar Bansal  
Mr.Somnath De  
for M/s.K.G.Bansal and Co.

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

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### **ORDER**

This petition is in respect of Trademark No.389177, which was registered in class 9. Upon the opposition of the petitioner being dismissed, the petitioner filed an appeal before the IPAB and the said



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appeal was allowed by order dated 03.07.2013. By such order, the matter was remanded for re-consideration by the Registrar. The current status is that the matter is pending decision of the Registrar. Meanwhile, the impugned trademark was registered and a certificate of registration was issued.

2. Since the opposition of the appellant to the application for registration is pending consideration by the Registrar, the certificate of registration and the entry relating to Trademark No.389177 are liable to be cancelled. Consequently, (T)OP(TM)/385/2023 is disposed of by directing the second respondent to cancel the certificate of registration and entry relating to Trademark No.389177 within a period of *four weeks* from the date of receipt of a copy of this order. This order is without prejudice to the rights of parties in proceedings pending before the Registrar or in other proceedings pending before this Court. The Registrar of Trademarks is directed to pronounce the decision within a period of *six months* from the



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date of receipt of a copy of this order. Towards such end, the  
contesting parties are directed to extend full cooperation, including  
by re-constructing the files.

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Index : Yes / No

Internet : Yes / No



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**SENTHILKUMAR RAMAMOORTHY,J**

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**(ORA/98/2020/TM/CH)**

**02.08.2023**