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(T)CMA(TM)/115/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)CMA(TM)/115/2023

(OA/47/2011/TM/CH)

Mr. Anil Wadhwa Proprietor M/s. Chache Di Hatti

91, Babu Market Sarojini Nagar

New Delhi - 110023 Now At Shop No. 5,

Sarojini Nagar Market New Delhi - 110023.

...Appellant

Vs

1.M/s. Hindustan Lungi Company

10, Periabbu Mudali Street

Dharnampet

Gudiyattam - 632601

TamilNadu

2.The Registrar of Trade Marks

Intellectual property Rights Building

Industrial Estate, SIDCO RMD Godown Area,

G.S.T. Road Guindy

Chennai.

... Respondents

Prayer: Transfer Civil Miscellaneous Appeal (Patent) filed under Section 91 of the Trade Marks Act. 1999 in respect of goods or services in one class praying to i. Quash/set aside the impugned order dated 31.07.2009 passed by the Ld. Registrar of Trade Marks,



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Chennai, in respect of hearing held on 15.03.2004 to decide the Opposition under No. MAS 56423 against the registration of Trade Mark Cha Cha Label under Application No. 601893 in Class-24 ii. Refuse the application No. 601893 in Class-24 and allow Opposition No. MAS-56423.

For Appellant : Mr.Shravan Kumar for
M/s.K.G.Bansal and Co.
For Respondents : Mr.Arun C. Mohan for R1
Mr.J.Madana Gopal Rao for R2

ORDER

Learned counsel for the appellant submits that registration No.601893 was valid only up to 16.07.2013. On instructions, learned counsel for the first respondent concurs with this submission and in fact, placed on record the document indicating the status of the relevant trademark. Since the long stop date for renewal of registration has long expired, no adjudication is necessary in this appeal.

2. Therefore, (T)CMA(TM)/115/2023 is disposed of by directing the second respondent to remove Trademark No.601893



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from the register of trademarks. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

31.07.2023

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Index : Yes / No

Internet : Yes / No



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SENTHILKUMAR RAMAMOORTHY, J

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