



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)CMA(TM)/117/2023

(OA/50/2011/TM/CHN)

M/s.Avan Agro Tech Pvt. Ltd.,
2281/B 14th A Main, HAL 2nd Stage
Indira Nagar, Bangalorre - 560 008.

... Appellant

-vs-

1.Kamat Hotels (India) Limited,
70C, Nehru Road, Vile Parle East,
Mumbai - 400 099.

2.The Registrar of Trade Marks,
Office of the Trade Marks Registry,
Intellectual Property Building,
GST Road, Guindy, Chennai.

... Respondents

PRAYER: Transfer Civil Miscellaneous Appeal (Trade Marks) is filed under Section 91 of the Trade Marks Act, 1999, praying to set aside the order dated 30.04.2010 passed by the Deputy Registrar of Trade Marks, in the opposition No.722412 to the Application No.887944, in Class 31 for the registration of the trade mark ORCHIDIA and direct Respondent No.2 to proceed with the registration of the trade mark ORCHIDIA.

For Appellant : No Appearance
For Respondent 2 : Mr.S.Diwakar, SPC



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SENTHILKUMAR RAMAMOORTHY,J

rna

JUDGMENT

Mr.S.Diwakar, learned SPC, submits that the appellant did not communicate a change of address to the Trade Marks Registry. He has also produced the details recorded in the Trade Marks Registry with regard to the address of the appellant.

2. Notice could not be served on the appellant because the appellant left the address specified in the cause title as per bailiff's report dated 23.08.2023. In the absence of a current address for service of notice on the appellant, this appeal cannot be proceeded with.

3. Consequently, (T)CMA(TM)/117/2023 is 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

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