



A.No.3812 of 2021
in C.S. No.476 of 2012

ABDUL QUDDHOSE, J.

This application has been filed seeking permission of this Court to file and mark additional Documents 1 to 8 which are listed out in the affidavit filed in support of this application.

2.A counter affidavit has also been filed by the respondents 1 to 4 objecting to the reception of the documents by this Court.

3.The suit has been filed for infringement and passing off. The Document Nos.1 and 2 which are dated 16.05.2013 and 20.11.2014 are renewal letters issued by the Registrar of Trademark renewing the trademark registration in favour of the plaintiff. The suit was filed at the first instance, pertaining to the registration obtained by the plaintiff which are the subject matter of renewal that has been issued by the trademark registry on 16.05.2013 and 20.11.2014. However, the remaining documents viz., Document Nos.3 to 8 are documents pertaining to new registrations obtained by the plaintiff subsequent to the filing of the suit. A valid objection has been raised by the respondents in the counter filed by them objecting to the reception of Document Nos.3 to 8 as the said documents were obtained by the plaintiff only subsequent to the filing of the suit and if the said documents are



allowed to be received, it will alter the character of the suit.

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4.This Court is of the considered view that the objections raised by the respondents with regard to reception of Document Nos.3 to 8 are valid objections and have to be accepted by this Court.

5.The learned counsel for the plaintiff has also not raised any serious objections if the documents viz., Document No.1 dated 06.05.2013 and Document No.2 dated 20.11.2014 are allowed to be received as additional documents and marked as Exhibits subject to its admission, proof and relevancy and the remaining Documents viz., Document Nos.3 to 8 need not be marked as Exhibits.

6.After giving due consideration to the contents of the affidavit and the counter affidavit and after hearing the submissions of both the counsels, this application is disposed of by receiving Document Nos.1 and 2 mentioned in the affidavit filed in support of this application as additional documents and permitting to be marked as Exhibits subject to its admission, proof and relevancy. However, with regard to the remaining documents viz., Document Nos.3 to 8 disclosed in the affidavit, the said documents are not permitted to be received as additional documents. Since the Document Nos.9 and 10 are only certificates, as per the



provisions of 65 (b) of the Indian Evidence Act, they are also allowed to be received as additional documents and be marked as Exhibits subject to the condition that they are restricted only to Document Nos.1 and 2 disclosed in the affidavit filed in support of this application.

15.11.2023

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