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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)CMA(TM)/173/2023
(OA/SR.52/2019/TM/CHN)

M/s. Pulse Fitness,
Rep. by its Proprietor,
Vanaja Kumari Korabathina,
No.31, SLV Towers, Dasappa Layout,
Ramamurthy Nagar Main Road,
Bangalore 560 016, Karnataka.

... Appellant

-VS-

1.The Registrar of Trade Marks
Rep. by its Registrar,
Intellectual Property Building,
GST Road, Guindy, Chennai 600 032.

2.Pulse Fitness Limited,
Rep. by its Authorised agent, David Mark Johnson,
The Bromley Centre, Bromley Road, Congleton,
Cheshire CW12 1PT, United Kingdom.

... Respondents



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PRAYER: Transfer Civil Miscellaneous Appeal (Trade Marks) filed under Section 91 of the Trade Marks Act, 1999, praying to set aside the order of abandonment of the 1st respondent Registrar dated 08.03.2019 and direct the 1st respondent to restore Application No.3137846 on the file of the 1st respondent Registrar and permit him to file evidence in support of his application a fresh under Rule 46(1) of the Trade Marks Rules by permitting her to remedy the default under Section 132 of the Trade Marks Act.

For Appellant : No Appearance

For Respondent : Mr.A.R.Sakthivel, SPC

JUDGMENT

The bailiff's report dated 22.11.2023 recorded that notice could not be served on the appellant because there is no such person in the given address. Since the appellant was the applicant for registration



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of a Trade Mark under Application No.3137846, learned counsel for the Registrar of Trade Marks was directed to ascertain and report as to whether a change of address was communicated by the appellant to the Trade Marks Registry. At today's hearing, learned counsel for the Registrar of Trade Marks has placed on record the application details relating to the above application. No change of address is discernible therefrom. In the absence of a current address for service of notice on the appellant, this appeal cannot be proceeded with.

2. Consequently, (T)CMA(TM)/173/2023 is dismissed for non-prosecution without any order as to costs.

22.12.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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