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(TM)A.Nos.38 and 39 of 2023 in
(T)OP(TM)/452/2023
(ORA/47/2018/TM/CHN)

SENTHILKUMAR RAMAMOORTHY,J.

These two applications are filed to take the Asset Transfer Agreement dated 21.11.2018 on record and to permit the applicant to amend the name of the petitioner from Dalmia Continental Pvt. Limited to Bunge India Pvt. Limited.

2. Learned counsel for the applicant submits that these applications have become necessary in view of the Asset Transfer Agreement, which was executed shortly after the rectification petition was filed.

3. Learned counsel for the 1st respondent submits that these applications have been filed under the wrong provision of law.

4. The Asset Transfer Agreement has been placed on record. This document was executed on 21.11.2018, which is subsequent to the date of filing of the rectification petition. As a consequence of the transfer of

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the relevant trade mark under the said agreement, it has become necessary for the assignee to be made the petitioner in the rectification petition. The settled legal position is that citing of a wrong provision of law would not deprive a party of remedy. Therefore, both these applications are allowed as prayed for. Consequently, the petitioner is permitted to carry out the amendments in (T)OP(TM)/452/2023 on or before 06.12.2023 and serve a copy of the amended petition on the other parties within a week thereafter.

5. List the matter on 14.12.2023.

22.11.2023

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