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OP(TM) No. 19 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

OP(TM) No. 19 of 2024

1. V.P.Nandakumar
2. Manappuram Finance Limited
[Formerly Known as Manappuram General
Finance and Leasing Limited]
Represented by its Company Secretary
Mr.Manoj Kumar VR
W-41 638 A, Manappuram House
Valapad, Chavakkad, 680567, Kerala, India. Petitioners

-VS-

1.Jayashree
2. The Registrar of Trademarks
Office of the Trade Marks Registry
Guindy, Chennai-600 032. ...Respondents

PRAYER : This Original Petition has been filed under Section 47 and 57 of the Trade Marks Act, 1999 read with Rule 6 of the Madras High Court Intellectual Property Rights Division Rules, 2022 praying that the entry in the Register of the second respondent relating to Trademark Registration No.5109630 dated 30.08.2021 in Class 31 in the name of the 1st respondent be cancelled and removed under the provisions of Sections 47 and 57 of the Trademarks Act, 1999 with a direction to the 1st respondent to pay cost of this petition.



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WEB COPY For Petitioner : Mr.K.Balamurali for M/s.Shivakumar

For Respondents : Mr.J.Madanagopal Rao
Senior Panel Counsel (R2)

Mr.P.Muraleedharan (R1)

ORDER

Today when the matter was taken up for hearing, the learned counsel appearing for the petitioners and the first respondent had filed a joint memo compromise.

2. The first respondent also was present through video-conferencing and acknowledged the memo of compromise that had been entered between the parties and has no objection in ordering the Original Petition in terms of the joint memo of compromise dated 15.10.2024.

3. For better appreciation, the said joint compromise memo is extracted hereunder:-

“1] The Petitioners have filed the above petition to remove



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and cancel the entry in the Register of the second respondent relating to Trademark Registration No.5109630 dated 30th August, 2021 in class 31 in the name of the 1st Respondent under the provisions of Sections 47 and 57 of the Trademarks Act, 1999.

2] The Petitioners and the 1st Respondent above named, have arrived at a compromise as per the following terms and conditions and undertake before this Hon'ble Court:-

- i. The 1st Respondent acknowledges that Shri.V.C.Padmanabhan, father of the 1st Petitioner is first to use the trademark MANAPURAM in commerce and it is a well-known trademark exclusively associated with the 1st Petitioner and the business entities promoted and managed by the 1st Petitioner.
- ii. The 1st Respondent hereby confirms that she has never used the trademark MANAPPURAM /MANAPPURAM FEEDS in commerce and



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undertakes not to use the same as a trademark
/trade name or part of a trademark or trade name
in the future in relation to any goods or services.

iii. The 1st Respondent hereby undertakes to file the
requisite application before the 2nd Respondent to
cancel the trademark registration obtained by the
1st Respondent under Trademark No.5109630
within 10 days from the date of signing this
Compromise Memo.

iv. The 1st Respondent hereby undertakes to transfer
the domain name
<http://www.manappuramfeeds.com/> obtained by
her to the 1st Petitioner within 10 days from the
date of signing this Compromise Memo.

v. The parties herein agree to suffer their respective
costs.

3. It is, therefore, prayed that the present Memorandum of
Compromise may be recorded, and an order be passed by this
Court incorporating the terms of the Memo of Compromise as a



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part thereof.”

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4. Recording the said submissions made by the respective counsels, the OP is disposed on the terms of the joint memo of compromise.

24.10.2024

Index :Yes/No

Maya



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K.KUMARESH BABU, J.

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