



(T)OP(TM) No.9 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

(T) OP (TM) No.9 of 2023
(ORA/169/2010/TM/CH)

M/s. Vemula Buchamma and Sons,
Door No.2-6-170, Srinivasa Road,
Koratla District, Karimnagar – 505 326,
Andhra Pradesh.

... Petitioner

Vs.

1.Vemula Manikyam

2.The Registrar of Trade Marks,
Office of the Trade Marks Registry,
IPR Building, GST Road,
Guindy, Chennai – 32.

... Respondent

Prayer: The Original Petition filed under Section 47/57/125 and Rule 92 of Trademark Act, 1999, praying that;

1. The Trademarks of the respondent No.1 “KISMAT BEEDI” (Label) vide Application No.1476853 in class-34, shall be removed from the register;
2. The registration of the trademark “KISMAT BEEDI” (Label) vide Application No.1476853, in class-34, shall be cancelled to maintain the purity of the register;
3. The certificate of registration of the trademark “KISMAT BEEDI” be



(T)OP(TM) No.9 of 2023

withheld and not given to the respondent No.1, till the disposal of the present Rectification proceedings as that would be prejudicial to the interests of the both parties in various pending litigation;

4. The Honourable Board is prayed to award the costs in favour of the Appellant/Petitioner.

For Petitioner : No appearance

For Respondents

For R1 : Mr.Madhan Babu

For R2 : Mr.K.Subbu Ranga Bharathi

ORDER

When the matter was taken up for hearing on 04.06.2024, there was no representation on the side of the petitioner and hence, the Registry was directed to post the Original Petition today i.e., 10.06.2024, under the caption “For Dismissal”.

2. Since despite service of notice, none appears for the petitioner. The learned counsel for the respondents, namely Mr.Madhan Babu, learned counsel for the 1st respondent and Mr.K.Subbu Ranga Bharathi, learned counsel for the 2nd respondent are present.



(T)OP(TM) No.9 of 2023

3. Even today, there is no representation on the side of the petitioner.

Hence, this Original Petition is dismissed for non prosecution. There shall be no order as to costs.

10.06.2024

ata

Index : Yes / No

Speaking / Non Speaking order



WEB COPY



(T)OP(TM) No.9 of 2023

P.B.BALAJI, J.

ata

(T) OP (TM) No.9 of 2023

10.06.2024