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(T)OP(TM)Nos.138, 146 to 148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM) Nos.138, 146 to 148 of 2023
(ORA/125, 233 to 235/2014/TM/CH)

Dilip Kumar Jain
Indian National Proprietor
Manibhadra Industries and Proprietor,
Sumeet Engineering Works, Pinto Apartments,
Near SBI, Vasco Goa.

... Petitioner in
all the (T)OP(TM)

-VS-

1. The Registrar of Trademarks,
Trademark Registry Branch Chennai,
IP India Buildings, GST Road,
Guindy, Chennai - 600 015.

2. Sumeet Appliances Private Limited,
Having its registered office at
Plot No. 315A, Kankai kripa, CHS,
Chikoowadi, Shimpoli Road,
Borivali, (West), Mumbai - 400 018.



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3. Sumeet Machines Limited,
Having its registered office at
601-C, Poonam Chambers,
Shiv Sagar Estate, Dr. Annie Besant road,
Worli, Mumbai - 400 018
(Under Liquidation as per orders of
High Court of Bombay in
Company Petition No. 299 of 1994, dated June 17,2005)

4. The Official Liquidator,
High Court of Judicature at Bombay,
High Court Building,
Dr. Kane Road,
Fort, Mumbai, Maharashtra - 400 032.

... Respondents 1 to 4 in
all the (T)OP(TM)

5. Varkey Overseas Trading Company Private Limited,
Care of its Director
Mr. Aby George residing at
208, Oman Topaz, 65/2, Sarjapur Road,
Bangalore, 560 034,
Karnataka, India.

... 5th Respondent in
(T)OP(TM)Nos.146 to 148/2023

Prayer in (T)OP(TM)No.138 of 2023: Transfer Original Petition
(Trade Marks) filed under Section 57(2) & 125 of the Trade Marks
Act, 1999, praying to revoke the trademark Sumeet in class 7 bearing
Trademark Registration No. 574504 which was assigned to and in
favour of the second respondent for the following grounds under
Section 57(2) namely that



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(a). The impugned order is an entry made in the register without sufficient cause and

(b) The impugned order is an entry wrongfully made and wrongly remaining on the register;

(c). To award costs to the appellant as he has suffered legal expenses due to the actions of the second respondent and direct the second respondent to pay exemplary costs to the appellant.

Prayer in (T)OP(TM)No.146 of 2023: Transfer Original Petition (Trade Marks) filed under Section 57(2) & 125 of the Trade Marks Act, 1999, praying to revoke the impugned trademark Sumeet in class 7 bearing Trademark Registration No. 263836 which was assigned to and in favour of the second respondent for the following grounds under Section 57(2) namely that

(a). The impugned trademark No.263836 in Class 7 assigned to the second respondent and standing in the name of the second respondent is an entry made in the register without sufficient cause and

(b) The impugned trademark No.263836 in class 7 standing in the name of the second respondent is an entry wrongfully made and wrongly remaining on the register;

Prayer in (T)OP(TM)No.147 of 2023: Transfer Original Petition



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(Trade Marks) filed under Section 57(2) & 125 of the Trade Marks Act, 1999, praying to revoke the trademark Sumeet in class 9 bearing Trademark Registration No. 574506 which was assigned to and in favour of the second respondent for the following grounds under Section 57(2) namely that

(a). The impugned trademark No.574506 in Class 9 assigned to the second respondent and standing in the name of the second respondent is an entry made in the register without sufficient cause and

(b) The impugned trademark No.574506 in class 9 standing in the name of the second respondent is an entry wrongfully made and wrongly remaining on the register;

(c). To award costs to the appellant as he has suffered legal expenses due to the actions of the second respondent and direct the second respondent to pay exemplary costs to the appellant.

Prayer in (T)OP(TM)No.148 of 2023: Transfer Original Petition (Trade Marks) filed under Section 57(2) & 125 of the Trade Marks Act, 1999, praying to revoke the trademark Sumeet in class 11 bearing Trademark Registration No. 574508 which was assigned to and in favour of the second respondent for the following grounds under Section 57(2) namely that



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(a). The impugned trademark No.574508 in Class 11 assigned to the second respondent and standing in the name of the second respondent is an entry made in the register without sufficient cause and

(b) The impugned trademark No.574508 in class 11 standing in the name of the second respondent is an entry wrongfully made and wrongly remaining on the register;

(c). To award costs to the appellant as he has suffered legal expenses due to the actions of the second respondent and direct the second respondent to pay exemplary costs to the appellant.

In all the (T)OP(TM)

For Petitioner : Mr.Ramesh Ganapathy
for M/s. Mission Legal

For R1 : Mr.S.Janarthanam, SPC

For R4 : Mr.S.R.Sundar

COMMON ORDER

Learned counsel for the petitioner submits that he has been instructed by the legal heirs of the deceased petitioner to withdraw



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these petitions. An endorsement for such purpose has been made. By taking note of such endorsement, (T)OP(TM)Nos.138, 146 to 148 of 2023 are dismissed as withdrawn without any order as to costs.

01.10.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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To

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Trademark Registry Branch Chennai,
IP India Buildings, GST Road,
Guindy, Chennai - 600 015.

2. The Official Liquidator,
High Court of Judicature at Bombay,
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