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(T)OP(TM)/226/2023
(ORA/88/2016/TM/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)OP(TM)/226/2023
(ORA/88/2016/TM/CHN)

M/s.Sailaksh
Trading as Hotel Grand Swagath
H.No.3-12-12/e, P.S.Colony
Ganesh Nagar, Hyderabad – 500 013,
Telangana State

Also at
Hotel Grand Swagath,
H.No.3-80, Sy.No.26
Indira Nagar, Ramanthapur
Hyderabad – 500 013,
Telangana State,
Represented by its Proprietor,
Sri Vamshidhar

... Petitioner

Vs.

1.M/s.Hotel Swagath,
Dhanturi Group of Hotels Pvt. Ltd.,
6-3-569/1/4/2, Dhanturi's Building,
RTA Office, Somajiguda
Hyderabad, Telangana State



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Also at
#8-3-944/10&11
Mahboob Commercial Complex,
Main Road,
Ameerpet,
Hyderabad – 500 016.

2.The Registrar of Trade Marks,
Trademark Registry,
Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai – 600 032.

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under Sections
47/57/125 of the Trade Marks Act, 1999 seeking to

- a) The Trademark “HOTEL SWAGATH” (Device) vide
Application No.2022183, in Class-43 for the goods “providing
food and drink, catering, hotels, restaurants and snack bars,
accommodation bureau (hotels), rental of temporary
accommodation, canteens, bar services, holiday camp services
(lodging)” registered in the name of M/s.Hotel Swagath,
Trading as Hotel Swagath and the partners Dhanturi



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Harishankar and Dhanturi Ravinder shall be removed from the register.

- b) The registration Certificate of the Trademark “HOTEL SWAGATH” (Device) vide Application No.2022183, in Class-43 shall be cancelled to maintain the purity of the register.
- c) The Court is prayed to award the costs in favour of the Applicant.
- d) The Court is prayed to pass such other order or orders as deemed fit in the circumstances of the case and in the interest of justice.

For Petitioner	: No appearance
For Respondent 1	: Mr.K.Mohan Kumar, for M/s.Rao and Rao
For Respondent 2	: Mr.A.R.Sakthivel, Special Panel Counsel

ORDER

When the matter was called for hearing, none appeared on behalf of the petitioner.



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2.The Registry has not intimated as to what exactly happened to the notice that it has earlier issued to the petitioner.

3.The learned counsel for the first respondent informs the Court that the proprietors of the petitioner hotel have passed away and as a consequence of which, the first respondent had withdrawn the suit it had laid against the petitioner herein for infringement of trademark.

4.The said statement is recorded.

5.In view of the same, the Transfer Original Petition (Trademarks) is dismissed as abated. However, whoever who enters appearance as the legal heir of the deceased petitioner will be entitled to revive this petition. No costs.

24.01.2024

Tsg

Index : Yes / No

Neutral Citation: Yes / No

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N.SESHASAYEE, J.,

Tsg

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