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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/325/2023
(ORA/44/2019/TM/CHN)

Murali Lal Harish Chandra Jaiswal Pvt. Ltd.,
6043, Naya Bans, Delhi 110 006, India.

... Petitioner

-VS-

1.Karthikeyan Manishekar,
Proprietor of M/s.venba Enterprises, 3rd Floor ,
10, Sri Valli Building, Old Madras Road,
Near Tin Factory, Bangalore 560 016,
Karnataka, India

2.The Registrar of Trade Marks,
Trade Marks Registry,Chennai IP Building,
GST Road, Guindy, Chennai 600 032,
Tamil Nadu, India.

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under Sections 57, 125 of the Trade Marks Act, 1999, praying that the registration of trademark HANS VENBA under No.3917470 in class 34 be cancelled / revoked / removed and the entry relating to the registration of trademark HANS VENBA under No.3917470 be struck



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off from the register of trademark and order be passed for rectification of the register for removal of the said registered trademark from the register and the respondent be ordered to surrender the certificate of registration under HANS VENBA (Trademark No.3917470).

For Petitioner : Mr.Arun C.Mohan

For Respondent 1 : Mr.R.Sivaraman Vaidhyanathan

For Respondent 2 : Mr.K.Subbu Ranga Bharathi, CGSC

ORDER

The petitioner and first respondent have reached a settlement and executed a memorandum of settlement dated 07.08.2024. Such memorandum of settlement has been placed before this Court. In paragraph 5 thereof, the terms of settlement are set out. Clause (C) thereof pertains to (T)OP(TM)/325/2023. The said clause reads as under:



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“(c) In (T)OP(TM)/325/2023 before the Hon'ble Madras High Court, regarding the rectification of the mark bearing A.No.3917470 the same shall be allowed and the registration standing in the name of Karthikeyan Manishekar shall be cancelled/rectified.”

2. Both learned counsel for the petitioner and learned counsel for the first respondent are present. They submit that this petition may be allowed in terms of paragraph 5(C) of the memorandum of settlement. The memorandum of settlement has been executed by the Authorized Signatory of the petitioner and the Proprietor of the first respondent. I see no legal impediment to this petition being disposed of in terms thereof.

3. For reasons aforesaid, (T)OP(TM)/325/2023 is allowed in terms of the memorandum of settlement and the second respondent is directed to take necessary steps to remove the entry relating to Trademark No.391747 from the Register of Trademarks. All



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necessary measures for such purpose and relating thereto shall be taken within *four weeks* from the date of receipt of a copy of this order. There shall be no order as to costs.

09.08.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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