



(TM)A.No.60 of 2024
in (T)OP(TM) No.328 of 2023
& C.S.No.410 of 2017

P.B.BALAJI, J.,

This application has been filed to place on record the legal user certificate pertaining to TM.No.2848340 as registered in class 6.

2.I have heard Mr.Swabhhi Tyagi, learned counsel for the applicant and Mrs.Chitra Subbiah, the learned counsel for the 1st respondent and Mr.K.Subbu Ranga Bharathi, learned Central Government Standing Counsel for the 2nd respondent.

4.According to the learned counsel for the applicant, the legal user certificate is necessary in order to establish the rights of the applicant and they should not be denied the opportunity to lead best evidence. The learned counsel for the applicant also stated that no serious prejudice would be caused to the respondents if the application is ordered.

5.Per contra, the learned counsel for the respondents would seriously oppose the application on the ground that the legal user certificate cannot be allowed to be received as document in the suit even though the suit and the rectification petition are being jointly tried. However, she states that it can be received only in the rectification petition. I am unable to



countenance the said argument. When there is a joint trial of the rectification petition and the suit, therefore, it is only natural that the documents are filed in common to both the rectification petition as well as the suit. Therefore, no serious prejudice would be caused to the respondents in allowing the application to place the legal user certificate as document in the proceedings. Accordingly, this application is allowed.

6.Post the main case on 16.07.2024. In the meantime, the parties are directed to file preferable joint case management schedule.

03.07.2024

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