



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

OP(TM)/38 & 40/2024
(TM)A/61 & 63/2024

T.N.Janarthanan
Trading as Namma Veetu Kalyanam Catering
No.48, K.C.Garden, 4th Street, Peravallur,
Chennai 600 082, Tamil Nadu,
India.

... Petitioner in both OP's

-VS-

1.Mr.N.Venkatesan,
Proprietor, Namma Veetu Kalyanam,
No.K24, 2nd Cross Main Road,
Ambattur Industrial Estate,
Chennai 600 058.

2.The Registrar of Trade Marks,
The Office of Trademarks Registry,
The Intellectual Property Building,
Plot No.32, Sector 14, Dwarka,
New Delhi 110 075.

... Respondents in both OP's

PRAYER in OP(TM)/38/2024: Original Petition (Trade Marks) filed



under Section 57 of the Trade Marks Act, 1999, pleased to rectify the Trade Marks Register by removing, expunging and / or cancelling the Trade Mark of the 1st respondent which has been granted Registration by the 2nd respondent, that stands Registered under the Application No.3678600 in Class 45.

PRAYER in OP(TM)/40/2024: Original Petition (Trade Marks) filed under Section 57 of the Trade Marks Act, 1999, pleased to rectify the Trade Marks Register by removing, expunging and / or cancelling the Trade Mark of the 1st respondent which has been granted Registration by the 2nd respondent, that stands Registered under the Application No.3678601 in Class 45.

For Petitioner : Mr.G.Ramesh
in both OP's

For Respondent 1 : Ms.Antara Balaji
in both OP's for Mr.Rajesh Ramanathan

For Respondent 2 : Mr.S.Janarthanam, SPCGSC
in both OP's



WEB COPY

COMMON ORDER

At the previous hearing on 06.08.2024, learned counsel for the first respondent submitted that steps would be taken for cancellation of the registrations forming the subject of OP(TM)/38 and 40/2024. At today's hearing, she submits that applications have been filed for cancellation before the Registrar of Trade Marks. In view thereof, the above petitions have been rendered infructuous. Consequently, OP(TM)/38 and 40/2024 are dismissed as infructuous without any order as to costs. Consequently, (TM)A/61 and 63/2024 are closed.

05.09.2024

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



WEB COPY



SENTHILKUMAR RAMAMOORTHY,J

rna

OP(TM)/38 & 40/2024
(TM)A/61 & 63/2024



WEB COPY



05.09.2024

OP(M) Nos.38 & 40 of 2024
&
(TM) A.No.61 & 63 of 2024

SENTHILKUMAR RAMAMOORTHY,J

The matter is listed today upon being mentioned by learned counsel for the petitioner.

2. By order dated 05.09.2024, OP(TM) Nos.38 & 40 of 2024 were dismissed as infructuous. By earlier order dated 06.08.2011, the Registrar of Trademarks was directed to transfer rectification petitions bearing the following numbers to the file of this Court:

“App. No.3604625, Rect. No.268446

App. No.3604626, Rect. No.268447

App. No.3936970, Rect. No.268445”



3. Learned counsel also points out that rectification application bearing application No.29775119; Rect. No.264274 is also pending before the Registrar of Trademarks, Chennai as between the same

SENTHILKUMAR RAMAMOORTHY J.

kal

parties. Therefore, it is just and appropriate that the said application also be transferred to this Court.

4. Learned counsel states that the Registry has been unable to proceed with the matter because the description in the cause title is Registrar of Trademarks, New Delhi instead of Registrar of Trademarks, Chennai. Upon verifying the records, it is clear that these matters pertain to the Registrar of Trademarks, Chennai.

5. The Registry is directed to take necessary action on the basis of this clarification.



30.10.2024

WEB COPY

OP(M) Nos.38 & 40 of 2024
&
(TM) A.No.61 & 63 of 2024