



WEB COPY



(T)CMA(TM)/202 & 210/2023
(OA/SR.489 &488/2015/TM/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)CMA(TM)/202 & 210/2023
(OA/SR.489 &488/2015/TM/CHN)

N.Ananda
Proprietor
M/s.Nandhini
#114/2, Lalbhagh Fort Road
Minerva Circle, Bangalore 560 004

... Appellant
in CMA.202/2023

M/s.Nandhini Deluxe
#114/2, Lalbhagh Fort Road
Minerva Circle, Bangalore 560 004

... Appellant
in CMA.210/2023

Vs.

1.M/s.Karnataka Co. Operative Milk
Producers Federation Limited
Hosur Road, Bangalore 560 004

2.The Deputy Registrar of Trade Marks
The Office of the Trade Marks Registry
I.P. Building, GST Road
Guindy, Chennai 600 032

... Respondents in both CMAs



(T)CMA(TM)/202 & 210/2023
(OA/SR.489 &488/2015/TM/CHN)

PRAYER in C.M.A.No.202/2023: Transfer Civil Miscellaneous Appeal (Trade Marks) filed under Section 91 of the Trade Marks Act, 1999, praying (a) to call for records, quash and set aside the order of the Registrar dated 04.09.2015 in opposition no.726045 in class 32 and consequently disallow and dismiss the application no.749767; (b) Costs the opposition proceedings and the instant appeal proceedings to the appellant.

PRAYER in C.M.A.No.210/2023: Transfer Civil Miscellaneous Appeal (Trade Marks) filed under Section 91 of the Trade Marks Act, 1999, praying (a) to call for records, quash and set aside the order of the Registrar dated 04.09.2015 in opposition no.749756 in class 32 and consequently disallow and dismiss the application no.726911; (b) Costs the opposition proceedings and the instant appeal proceedings to the appellant.

For Appellant : Mr.Arun C. Mohan
in both the appeals

For Respondents : Mrs.S.Indumathi Ravi - R1
in both the appeals Mr.S.Janarthanam, SPC - R2

COMMON JUDGMENT

The learned counsel for the appellant in the above appeals files a Memo that despite the best efforts they could not get any instruction from his client.



(T)CMA(TM)/202 & 210/2023
(OA/SR.489 &488/2015/TM/CHN)

Memo to that effect dated 12.03.2024 too has been filed and the same is recorded.

2.It is always mandatory for a litigant to seek the counsel and not vice versa. Therefore, even though it may be appropriate for a counsel to approach his client for instructions, yet his or her duty stops there. Here the scenario presented is that despite the best efforts of the counsel to obtain instruction, the appellant does not seem to show the enthusiasm to instruct the counsel and participate in the proceedings. This Court, therefore, chooses to dismiss these two appeals for default.

3.In the result, the above appeals stand dismissed for default. There is no order as to costs.

12.03.2024

kas

Index : Yes / No
Neutral Citation

3/4



WEB COPY



(T)CMA(TM)/202 & 210/2023
(OA/SR.489 &488/2015/TM/CHN)

N.SESHASAYEE, J.

kas

(T)CMA(TM)/202 & 210/2023
(OA/SR.489 &488/2015/TM/CHN)

12.03.2024