



WA Nos.3052 and 3028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA Nos.3052 and 3028 of 2023

The Registrar of Trademarks
Trademark Registry
Intellectual Property Building
GST Road, Guindy, Chennai - 600 032. : Appellant in both appeals

Vs

1.Ramya S.Moorthy

2.Nirma Ltd.

Niramal House, Ashram Road, Ahmedabad
Gujarat - 380 009. : Respondents in both
appeals

Prayer: Writ appeals filed against the order of the learned Single Judge
dated 10.08.2023 in W.P.(IPD) Nos.3 and 4/2023.

For the Appellants : Mr.AR.L.Sundaresan,
Additional Solicitor General



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COMMON JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.AR.L.Sundaresan, learned Additional Solicitor General, for the appellant.

2. On the last date, we confronted the learned Additional Solicitor General with a query about the maintainability of the writ appeals at the behest of a quasi judicial authority, i.e. the Registrar of Trademarks.

3. The learned Additional Solicitor General submits that the appeals are filed on legal ground as to the interpretation of Rule 18(2) of the Trade Marks Rules, 2017.

4. The present appellant is not an adversarial litigant in the writ petitions filed by the present the first respondent. The first respondent had filed the writ petition against the second respondent. The present appellant was made a proforma respondent.



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5. It would not be open for the present appellant to assail the order passed by the learned Single Judge.

6. Reference could be had to the judgment of the Apex Court in the case of ***Gridco Ltd v. Western Electricity Supply Company of Orissa Ltd and others (2023 SCC Online SC 1249)***.

7. The judgment of the learned Single Judge is based on facts concerning the matter. The judgment is *qua* the parties.

8. In the light of the above, the writ appeals are disposed of. There shall be no order as to costs. Consequently, CMP Nos.25056, 25285 and 25288 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

04.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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