



WEB COPY



C.M.P.No.20494 of 2024 in
C.M.A(TM) Sr.No.119790 of 2024

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ABDUL QUDDHOSE, J

This petition has been filed seeking to condone the delay of 170 days in filing the appeal.

2. The appeal has been preferred by the petitioner aggrieved by the dismissal of the opposition petition filed by the petitioner before the Trademark Registry. The petitioner has pleaded in the affidavit that there was delay in consolidating certain documents and only on that ground, the delay of 170 days has occurred in preferring the appeal.

3. Counter affidavit has also been filed by the contesting respondent primarily questioning the territorial jurisdiction of this Court. Since the impugned order has been passed by the Mumbai Trademark Registry, if at all the petitioner is having any grievance against the impugned order, the same will have to be agitated only before the Bombay High Court. The respondents have pleaded that no sufficient



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cause has been shown by the petitioner for filing this petition seeking condonation of delay. The respondents have also raised various other issues with regard to the maintainability of appeal in the counter.

4. After giving due consideration to the contents of the affidavit filed in support of the petition as well as the contents in the counter affidavit filed by contesting respondent, this Court is of the considered view that the issue raised by the respondents with regard to the maintainability of the appeal can very well be raised when the main appeal comes up for admission before this Court. This Court is now considering only a petition seeking condonation of delay. This Court is of the view that sufficient cause has been shown by the petitioner since the petitioner claims that there was delay in consolidation of documents and only on that ground, the delay of 170 days has arisen.

5. For the foregoing reasons, this petition is allowed as prayed for as sufficient cause has been shown by the petitioner/appellant for condonation of delay.



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6. Since the delay is an inordinate one, some amount of cost will have to be paid by the petitioner to the learned counsel for contesting respondent. This Court deems it fit to fix the cost at Rs.10,000/- [Rupees Ten Thousand only]. The petitioner shall pay the cost of Rs.10,000/- to the learned counsel for contesting respondent on or before 26.11.2024, failing which this petition shall stand automatically dismissed.

Registry is directed to number the appeal, if it is otherwise in order and list the same for admission. However, the issues raised by the respondents with regard to the maintainability of this appeal can very well be raised by the respondents at the time of admission of this appeal.

19.11.2024

gm

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