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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C)-IPD 11/2024, CM 35/2024-Exp**

**MITTAL ELECTRONIC INDUSTRIES** .....Petitioner

Through: Mr. Siddharth Yadav and Mr.  
Nageshwar Kumar, Advs.

versus

**THE REGISTRAR OF TRADE MARKS** .....Respondent

Through: Mr. Srish Kumar Mishra, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

% **11.07.2024**

1. Vide the present petition the petitioner, the registered proprietor of the trade mark 'MILTON', seeks the following reliefs:-

*"a. Issue a Writ(s), Order(s), Direction(s) in the nature of Mandamus and/or any similar Writ(s), Order(s), Direction(s) directing Respondent to restore/reinstate the Petitioner's Registered Proprietor Name to MITTAL ELECTRONIC INDUSTRIES in the Registered Trade Marks Application of MILTON bearing its Trade Marks Application No. 419520 in Class 9 of The Trade Marks Act, 1999;*

*b. Issue a Writ, Order, or Direction of Mandamus directing Respondent to change the Petitioner's Firm Address to 1701, Bhagirath Palace, Delhi-110006 in respect of allowed Request on TM-34 dated 22nd July 2002 in the Registered Trade Marks Application of MILTON bearing its Trade Marks Application No. 419520 in Class 9;*

*c. Issue a Writ, Order, or Direction of Certiorari instructing the Respondent to quash, set aside any order or direction if made, that unilaterally changed the Registered Proprietor Name from MITTAL ELECTRONIC INDUSTRIES to INDIAN AGENCIES in the Registered Trade Marks Application for MILTON under Trade Marks Application*



No. 419520 in Class 9;

*d. Such other Writ, Order, or Direction in favour of the Petitioner as may be deemed just and proper in the facts and circumstances of the case.”*

2. Succinctly put, the petitioner herein adopted the mark ‘MILTON’ in the year 1982 and is the registered user of the said mark. On 22.03.1984, one *MITTAL ELECTRONIC INDUSTRIES*, a partnership firm, as a proprietor filed an application no. 419520 in Class 9 seeking registration of the mark ‘MILTON’. Subsequently, the said partnership firm was dissolved vide a Deed of Dissolution dated 31.03.1992 and converted into a proprietorship concern. It was then that the present petitioner took over the role of the proprietor of the newly formed *MITTAL ELECTRONIC INDUSTRIES* and the rights which were initially vested in the former partnership firm were transferred to the said new proprietorship firm and the trade mark ‘MILTON’ in class 9 was registered in the name of the petitioner on 30.01.1991 when it was issued the Trade Marks Certificate bearing its certificate no. 173423.

3. Learned counsel for the petitioner submits that thereafter a request on FORM TM-34 was made by the petitioner on 22.07.2002 before the Trade Marks Registry for the change of address from 1681/16, Jogdhian Colony, Bhagirath Palace, Delhi-110 006 to 1701, Bhagirath Palace, Delhi-110 006. He further submits that though the said request was duly approved by the Trade Marks Registry, however, for reasons best known was not updated by the said Trade Marks Registry.

4. It is the case of the petitioner that the respondent instead erroneously altered the name of the registered proprietor without any prior



notification to the petitioner. As a result whereof, the petitioner remained uninformed about this change. In fact, it was only by way of a RTI application dated 25.10.2023 when the petitioner sought information regarding alteration in address and name that the petitioner was informed vide a response dated 28.11.2023 by the respondent that no request, application or document had been submitted to effect the change of the name of the registered proprietor. Subsequently, though the petitioner then submitted a letter to the Post Registration Section on 28.12.2023 as well, however, despite the submission thereof, the respondent never took any action thereon.

5. Learned counsel appearing for the respondent in response submits that the above was only due to an inadvertent error, which has since been rectified as both the address has already been changed as 1701, Bhagirath Palace, Delhi-110 006 and the name of the registered proprietor is also now reflecting as *MITTAL ELECTRONIC INDUSTRIES* after restoration. The aforesaid details are reflecting on the official website of the Trade Mark Registry, as is apparent from what was handed over in Court during the course of hearing. The same is reproduced hereinbelow:



**Trade Marks Registry**  
**Delhi**

11 June 2024

APPLICATION DETAILS

User Id : VPP

|                                      |                           |                                  |                                                                    |                                 |               |
|--------------------------------------|---------------------------|----------------------------------|--------------------------------------------------------------------|---------------------------------|---------------|
| <b>Application Number</b>            | 419520                    | <b>Application date</b>          | 22/03/1984                                                         | <b>Class</b>                    | 9             |
| <b>Receipt No.</b>                   |                           | <b>Amount Paid (Rs.)</b>         |                                                                    | <b>Application Status</b>       | Registered    |
| <b>Form Type</b>                     | TM-1                      | <b>Application Type</b>          | TRADE MARK                                                         | <b>Branch Name</b>              | DELHI         |
| <b>State</b>                         | CHANDIGARH                | <b>District</b>                  | DISTRICT NOT SPECIFIED                                             | <b>Country</b>                  | India         |
| <b>Language of mark</b>              | ENGLISH                   | <b>Translation</b>               |                                                                    | <b>Transliteration</b>          |               |
| <b>Authorisation Letter</b>          | N                         | <b>Associated TM</b>             | N                                                                  | <b>Used Since/Proposed</b>      | 24/09/1982    |
| <b>Agent GPA/PA</b>                  | PA                        | <b>Service Address</b>           | T-62, LGF, BHOGAL ROAD, BHOGAL JANGPURA, NEW DELHI-110014 (INDIA). |                                 |               |
| <b>Conditions &amp; Restrictions</b> |                           | <b>Applicant Type</b>            | Others                                                             |                                 |               |
| <b>Trade Mark Type</b>               | WORD                      | <b>Trade Mark</b>                | MILTON                                                             |                                 |               |
| <b>Certificate No. &amp; Date</b>    | 173423 Dated : 30/01/1991 | <b>Original Divisional No.</b>   |                                                                    | <b>Original Divisional Date</b> |               |
| <b>Renewal Date</b>                  | 22/03/2025                | <b>Removal Date</b>              |                                                                    | <b>Registration Valid upto</b>  | 22/03/2035    |
| <b>Certificate Dispatch No.</b>      |                           | <b>Certificate Dispatch Date</b> |                                                                    | <b>Filing Mode</b>              | Branch Office |

**Proprietor Details**

| Sr.No. | Prop. Code | Category         | Proprietor name | Proprietor Address                      | Trading As                   | Trade Description          |
|--------|------------|------------------|-----------------|-----------------------------------------|------------------------------|----------------------------|
| 1      | 6097555    | Partnership Firm | R.B.MITTAL      | 1701, BHAGIRATH PLACE, DELHI - 110 006. | MITTAL ELECTRONIC INDUSTRIES | MANUFACTURERS & MERCHANTS. |

Partnership Firm Details : ASHOK KUMAR MITTAL, RAKESH KUMAR MITTAL, SUBHASH CHAND JAIN

**Agent/Attorney Details**

|                            |                  |                                                                    |
|----------------------------|------------------|--------------------------------------------------------------------|
| <b>Agent/Attorney Code</b> | <b>Name</b>      | <b>Address</b>                                                     |
| Attorney : 18706           | DEY & KUMHAR CO. | T-62, LGF, BHOGAL ROAD, BHOGAL JANGPURA, NEW DELHI-110014 (INDIA). |

**Class Details**

| Sr.No | Class | Goods Description                                                                                                                                      |
|-------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | 9     | AMPLIFIERS, MICROPHONES, HORNS FOR LOUD SPEAKERS, LOUD SPEAKERS AND TRANSFORMERS AND HORN UNITS AND PARTS THEREOF ALL BEING GOODS INCLUDED IN CLASS 9. |

**Publication Details**

| Application Number | Class | Journal Number-Supplement | Journal date | Available Date | Status |
|--------------------|-------|---------------------------|--------------|----------------|--------|
| 419520             | 9     | 969-0                     | 16/10/1989   | 16/10/1989     | ABA    |

**Application History**

R.B.MITTAL, ASHOK KUMAR MITTAL, RAKESH KUMAR MITTAL AND SUBHASH CHAND JAIN, TRADING AS MITTAL ELECTRONIC INDUSTRIES, MANUFACTURERS AND MERCHANTS. 1681/16, RADIO MARKET, BHAGIRATH PALACE, DELHI. MITTAL ELECTRONIC INDUSTRIES, MANUFACTURERS AND MERCHANTS. 1681/61, RADIO MARKET, BHAGIRATH PALACE, DELHI. AMPLIFIERS, MICROPHONES, HORNS FOR LOUD SPEAKERS, LOUD SPEAKERS AND TRANSFORMERS AND HORN UNITS AND PARTS THEREOF ALL BEING GOODS INCLUDED IN CLASS 9. REGISTRATION RENEWED FOR A PERIOD OF 7 YEARS FROM 22ND MARCH, 1991 REGISTRATION RENEWED FOR A PERIOD OF 7 YEARS FROM 22TH MARCH, 1998 ADVERTISED IN JOURNAL NO 1178 PURSUANT TO A REQUEST ON FORM TM-34 DATED 22TH JULY, 2002, AND ORDER THERE ON DATED 31TH JULY, 2002. REGISTERED PROPRIETORS TRADE OR BUSINESS ADDRESS IS ALTERED TO : 1701, BHAGIRATH PLACE, DELHI - 110 006. REGISTRATION RENEWED FOR A PERIOD OF 10 YEARS FROM 22TH MARCH, 2005 ADVERTISED IN JOURNAL NO 1330 REGISTRATION RENEWED FOR A PERIOD OF 10 YEARS FROM 22/03/2015 ADVERTISED IN JOURNAL NO. 1706 PURSUANT TO A REQUEST ON FORM TM-50 DATED 20/01/2017 AND ORDER THEREON DATED 05/01/2018 THE ADDRESS FOR SERVICE IS ALTERED TO DEY & KUMHAR CO. , T-62, LGF, BHOGAL ROAD, BHOGAL JANGPURA, NEW DELHI-110014 (INDIA).

6. In view of the fact that the registration has now been restored in the name of the petitioner, nothing survives in the present petition and the same alongwith the pending application, if any, is accordingly disposed in the aforesaid terms.

SAURABH BANERJEE, J

JULY 11, 2024/rr