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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C)-IPD 20/2021, CM 42/2021, CM APPL. 2358/2018 & CM APPL. 15753/2019**

**RUKMINI DEVI AND ORS.**

..... Petitioners

Through: Mr. Ravi Gupta, Sr. Adv. with Mr. Avinash K. Trivedi and Mr. Anurag Kaushik, Advs.

versus

**UNION OF INDIA AND ORS.**

..... Respondent

Through: Mr. Subhash Tanwar, CGSC with Mr. Sandeep Mishra and Mr. Ashish Choudhary, Advocates for R-1.  
Mr. Sushant Singh, Mr. Sourav Pattanaik, Ms. Shruti Gupta and Mr. Piyush Kumar, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**  
**26.02.2024**

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1. This writ petition has been filed for quashing decision of 06<sup>th</sup> January, 2018 by the Registrar of Trademark accepting the purported assignment of various trademarks appended as Annexure-P-1 to the writ petition in favour of respondent no. 3 (Chaya Devi).
2. Smt. Chaya Devi filed an application seeking to record the assignment under Section 45 of the Trade Marks Act, 1999 alleged to be in her favour from her father-in-law, Mr. Lalit Kumar Arya. The deed of assignment was dated 17<sup>th</sup> December, 2015 and the request by respondent no. 3 was made on 10<sup>th</sup>



February, 2016 after the death of Shri Lalit Kumar Arya on 3<sup>rd</sup> February 2016.

3. Since there was multifarious litigation between the heirs of Mr. Lalit Kumar Arya - petitioner herein being the son of Lalit Kumar Arya on one hand, and respondent no. 3 being the widow of the pre-deceased son of Lalit Kumar Arya on the other, objections were raised on 07<sup>th</sup> April, 2016 by petitioner before the trademark office.

4. Subsequent objections were also filed on 16<sup>th</sup> May, 2017 and 17<sup>th</sup> May, 2017. Respondent no. 3 also filed a reply on 4<sup>th</sup> May, 2016. However, without any notice or hearing the parties in this respect, the assignment was agreed to.

5. It is stated by Mr. Ravi Gupta, Senior Counsel for petitioner, that this would be violative of the letter and spirit of the Trade Marks Act, 1999 in particular Section 45(3) of the Act and Clause 2.1 of the Manual of Trade Marks Practice and Procedure.

6. Counsel for respondent no. 3, however, states that the said provisions do not contemplate issuing notice to a third party, but only to parties *inter se*, between the assignor and the assignee.

7. This Court has had the occasion to peruse the documents which reveal that there are various pending disputes between the parties including CS(OS) 1319 /2013, in which the issue regarding the validity of the assignment deed has been raised by the petitioner (*the plaintiff therein*). The suit was amended in December 2018 to include these facts relating to the validity of the assignment deed in view of the various issues which have arisen between the parties, *inter alia*, of succession, partition, etc.

8. In view of these facts and circumstances, in the opinion of this Court, it will be apposite if petitioner places all facts relating to the subsequent events as well before the Registrar in the form of comprehensive objections to the



issue of assignment. The same may be filed before the Registrar within a period of 2 weeks. A copy of the same may be given to counsel for respondent no. 3, who will be entitled to file a response /counter statement thereto within 2 weeks thereafter.

9. In these peculiar facts and circumstances, without adverting to the merits of the contentions of the parties, the Registrar shall provide a hearing to the parties within 2 weeks after receiving the said submissions and notifying them of the date of hearing.

10. A decision in this regard be passed within 4 weeks after the date of hearing.

11. It is made clear that the Registrar will not be influenced by the previous decision of 06<sup>th</sup> January, 2018, which shall sustain till the fresh *de novo* order is passed on the fresh comprehensive objections of petitioner.

12. Writ petition is accordingly disposed of.

13. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**FEBRUARY 26, 2024/RK**