

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

IPDTMA/2/2025
IA NO: GA-COM/1/2025

KHIMJI AND SONS
VS
THE REGISTRAR OF TRADE MARKS AND ANOTHER

IPDTMA/3/2025
IA NO: GA-COM/1/2025

KHIMJI AND SONS
VS
THE REGISTRAR OF TRADE MARKS AND ANOTHER

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 1st May, 2025.

Appearance:
Mr. S. N. Mookherjee, Sr. Adv.
Mr. Ranjan Bachawat, Sr. Adv.
Mr. Sayantan Basu, Adv.
Mr. Debnath Ghosh, Sr. Adv.
Ms. Yamini Mookherjee, Adv.
Mr. Tanmoy Roy, Adv.
Mr. Mark Wright, Adv.
Mr. Abhiroop Dhar, Adv.
Mr. Bhavesh Garodia, Adv.
Ms. Aheriya roy, Adv.
...for the appellant

Mr. Jishnu Saha, Sr. Adv.
Mr. Uptal Bose, Sr. Adv.
Ms. H. Chakraborty, Adv.
Ms. Neelina Chatterjee, Adv.
Ms. Rituparna Saha, Adv.
...for the respondent no. 2

Mr. Suryaneel Das, Adv.
...for the respondent no. 1

The Court: Both these appeals are directed against an order dated 17th March, 2025 whereby the Deputy Registrar of Trade Marks has held that the trade mark 'KHIMJI' alongwith the word mark enjoying registration in class 14

being registration nos. 864804 and 864805 in respect of jewellery of all kinds is deemed to have been abandoned.

It is submitted on behalf of the private respondent no. 2 that if a time limit is granted to the appellant to file their evidence, they are ready and willing to have both the orders set aside and the matters remanded back to the Registrar. On a query from Court, it is submitted by the respondent authority that a different officer ought to hear the matter.

Admittedly, the evidence has not been filed by the appellant in the subject rectification proceedings. The time to file the evidence is peremptorily extended by a month from date.

Both the impugned orders are set aside.

In view of the preconceived nature in which the Deputy Registrar of Trade Marks has acted in passing the impugned orders, the subject rectification proceedings shall no longer be heard by him.

The Registrar of Trade Marks is directed to assign this matter to any other Officer. The Hearing Officer so appointed shall conclude the hearing within a period of three months from the date of communication of the order.

In case of the appellant not filing their evidence within a period of one month from date, the Hearing Officer is at liberty to act in accordance with law.

It is made clear that there has been no adjudication on the merits of the case and all issues are left open for the Hearing officer to decide without being influenced by any observation in this order.

It is clarified, that both the impugned orders are set aside.

With the above directions, IPDTMA /2/2025 and IPDTMA/3/2025 stand disposed of.

All connected applications also stand disposed of.

(RAVI KRISHAN KAPUR, J.)

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