



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL ORDINARY APPELLATE JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL MISC. PETITION NO. 5 OF 2025

Everest Holdings Limited

... Petitioner.

Versus

The Registrar of Trade Marks

... Respondent.

*Mr. Rohan Savant a/w. Kaivalya Shetye i/by Mahesh Mahadgut for Petitioner.
Mr. Vinit Jain a/w. Ashutosh Mishra a/w. Gaurav Mhatre for Respondent No.1.*

Coram : Sharmila U. Deshmukh, J.

Date : July 10, 2025

P.C.:

1. The present petition seeks direction for deletion of the disclaimer condition imposed on the trade mark applied for registration.
2. Mr. Savant, learned counsel appearing for the Petitioner points out the impugned order dated 26th February, 2024 and would submit that there are no reasons given for inserting the disclaimer. He would further point out that the Petitioner had responded to the examination report and had also advanced submissions during the hearing which have not been considered.
3. Perusal of the order dated 26th February, 2024 indicates that the same is devoid of any reasons and discussion and only accepts the device mark with disclaimer. By reason of non-speaking order this

Court does not have the benefit of the reasoned order and is unable to comprehend the reasons for which the disclaimer has been inserted.

- 4.** Learned counsel appearing for the Respondents submits that within period of six weeks the matter will be adjudicated afresh.
- 5.** In light of the above, the impugned order dated 26th February, 2024 is hereby quashed and set aside. The matter is remanded to the Examiner of Trade Mark and to be adjudicated afresh within period of 6 weeks after taking into consideration the written submissions to the examination report as well as the additional written submissions to be filed by the Petitioner within period of one week from today.
- 6.** Petition is allowed in the above terms.

[Sharmila U. Deshmukh, J.]