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L.P.A.Nos.21 and 22 of 2025
and O.S.A. (CAD) No.60 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

L.P.A.Nos.21 and 22 of 2025 and O.S.A. (CAD) No.60 of 2025
and C.M.P.Nos.12626, 12630, 12627, 12631 of 2025
and C.M.P.No.12624 of 2025

L.P.A.Nos.21 and 22 of 2025:

P.Gnana Baskara Guptha

.. Appellant

vs

1.S.Murugesan,
Proprietor,
M/s.Sri Jayamurugan Traders,
No.9, Padayachi Street,
Aryagoundanpatty (PO),
Rasipuram Taluk,
Namakkal District,
Tamil Nadu – 637 406.

2.The Registrar of Trademarks,
Office of the Trademarks Registry,
Intellectual Property Rights Building,
Industrial Estate,
G.S.T. Road, Guindy,
Chennai-600 032.

.. Respondents



L.P.A.Nos.21 and 22 of 2025
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Prayer: Appeals filed under Clause 15 of the Letters Patent against the order dated 27.3.2024 passed by the learned Single Judge in (T) OP (TM) Nos.386 and 387 of 2023.

For Appellant : Ms.Gladys Daniel

For Respondents : Mr.T.Sai Krishnan
for respondent No.1

O.S.A. (CAD) No.60 of 2025:

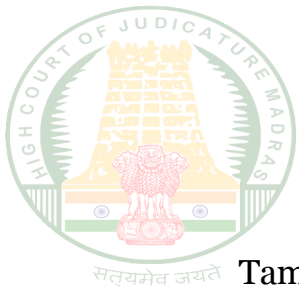
P.Gnana Baskara Guptha,
Trading as R.Brihadiswari Papad Merchant,
EZHILNILAI,
No.5/8, 4th Rajiv Gandhi Nagar,
Kolathur Main Road,
Chennai-600 099.

.. Appellant

vs

1.M/s.Varalakshmi Trading Company,
rep. by its Proprietor Sesha,
No.6-C, Senior Street, Namagiripet,
Namakkal District,
Tamil Nadu-637 405.

2.M/s.Sri Jayamurugan Traders,
rep. by its Proprietor S.Murugesan,
No.9, Padayachi Street, Ariyagoundampatty,
Namagiripet (via) Rasipuram Taluk,
Namakkal District,



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Tamil Nadu-637 406.
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3.M/s.Sri Amman Traders,
rep. by its Proprietress N.Tamilselvi,
No.90(1) Padyachi Street, Ariyagoundampatty,
Namagiripet (via) Rasipuram Taluk,
Namakkal District,
Tamil Nadu – 637 406.

4.M/s.Sri Kamatchi Traders,
rep. by its Proprietor K.Nagamanickam,
No.166, Bazaar Street, Namagiripet (via)
Rasipuram Taluk, Namakkal District,
Tamil Nadu-637 406.

5.M/s.Waferserve Ind. Co-op. Society,
rep. by its Secretary,
Namagiripet, Rasipuram Taluk,
Namakkal District,
Tamil Nadu-637 406.

.. Respondents

Prayer : Appeal under Section 13 of the Commercial Courts Act read with
Clause 15 of Letters Patent read with Order XXXVI, Rule 1 and 9 of Original
Side Rules to aside the order dated 27.3.2024 passed by the learned Single
Judge in C.S.No.568 of 2009.

For Appellant : Ms.Gladys Daniel

For Respondents : Mr.T.Sai Krishnan
for respondent No.2



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COMMON JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Plaintiff impugns an order dated 27th March, 2024 directing plaintiff to amend the plaint, in view of the rectification applications filed by original defendant No.2.

2. Ms.Gladys Daniel states that her instructions are not to amend the plaint or bring on record the subsequent developments, but to proceed with the suit. Statement of Ms.Gladys Daniel is accepted.

3. Mr.Sai Krishnan states that it is up to plaintiff to decide and defendants will raise all contentions, including the fact that non-amendment of the plaint is fatal to plaintiff.



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4. We express no opinion on the rival points raised.

5. The learned Single Judge shall proceed with the trial without insisting on this amendment.

6. Appeals are disposed of. There shall be no order as to costs. Consequently, interim applications are closed.

(K.R.SHRIRAM, C.J.)

(SUNDER MOHAN, J.)
09.06.2025

Index : Yes/No
NC : Yes/No
bbr

To

The Registrar of Trademarks,
Office of the Trademarks Registry,
Intellectual Property Rights Building,
Industrial Estate,
G.S.T. Road, Guindy,
Chennai-600 032.



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Copy to:

The Sub Assistant Registrar
Original Side
Madras High Court.



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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

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