



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.06.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(TM)A Nos. 19 & 20 of 2025
in (T)OP(TM)No. 426 of 2023

In both Applications:

Venus Company,
No.48, Periasubbanna Street, K.K. Pudur,
Saibaba Colony, Coimbatore 641038, Tamil Nadu.

... Applicant

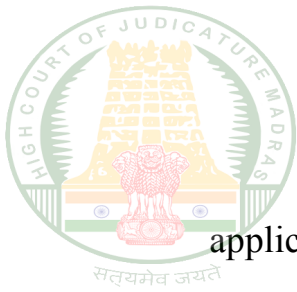
-VS-

1. RSPL Limited
119-121 (Part) Block,
P & T, Fazalganj, Kalpi Road,
Kanpur- 209 012.
Uttar Pradesh.

2. The Registrar of Trademarks,
Trademarks Registry,
G.S.T.Road, Guindy, Chennai 32.

... Respondents

Prayer in (TM)A.No.19 of 2025: Application is filed under Order XIV Rule 8 of the O.S. Rules Read With Order XI Rule 1(5) of C.P.C., 1908 as amended by the Commercial Courts Act, 2015, to permit the



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applicant/Respondent No.1, to file the schedule A mentioned list of documents and receive the same in the above Original Petition.

Prayer in (TM)A.No.20 of 2025 : Application is filed under Order XIV Rule 8 of the O.S. Rules Read With Section 58 of Bharathiya Sakhsya Adhiniyam, 2023, to grant leave to the Applicant/Respondent No.1 to lead secondary evidence to prove documents mentioned in schedule B.

In both Applications:

For Applicant : Mr.R.Sathish Kumar
for Mr.P.C.N.Raghupathy

For R1 : Mr.Somnath De
for M/s.K.G.Bansal and Company

COMMON ORDER

By these applications, the contesting respondent in the rectification petition seeks permission to file the documents listed in Schedule A to (TM)A.No.19 of 2025; and for permission to lead secondary evidence in respect of the document described in Schedule B to (TM)A.No.20 of 2025.



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2. Learned counsel for the applicant/1st respondent submits that the said respondent had stated in the counter statement that the name 'Venus Chemicals' has been used since 1979, and that the said partnership firm was renamed in the year 2009 as 'Venus Company'. He submits that these documents are required to be filed in support of the said assertion. As regards the document described in Schedule B of (TM)A.No.20 of 2025, he submits that it is a registration certificate issued by the Central Sales Tax Department and that he is unable to obtain the original at present because his father, who is about 85 years old, was the person in-charge at the time of registration.

3. These applications are opposed strongly by learned counsel for the 1st respondent/rectification petitioner. Learned counsel submits that the registration was obtained in respect of the impugned trade mark by asserting use from 01.01.2013. Consequently, he submits that documents prior thereto cannot be filed by the applicant/1st respondent. His second submission is that this Court by order dated 22.04.2024 directed the Registrar of Trademarks to examine the date of actual use while considering and



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disposing of Trade Mark Application No.2399738 and the opposition relating thereto. By placing on record order dated 21.10.2024 in this regard, learned counsel submits that the Registrar of Trademarks refused to accept documents relating to Venus Chemicals. The third contention is that at least some of the documents sought to be filed by the applicant are fabricated documents as is evident from the fact that the numerals 200 have been scored off and 1986 has been written instead in the document at page 36 of the typed set filed by the applicant. Likewise, he submits that the document filed at page 39 thereof bears two contradictory dates, namely, 07.03.2011 and 09.09.2014.

4. The rectification petition is admittedly at the preliminary stage. At this juncture, all the relevant facts are not before this Court to enable appropriate adjudication of the objections raised by the rectification petitioner. As contended by learned counsel for the applicant, at paragraph 3 of the counter statement, the applicant/1st respondent has asserted use since 1979 under the name 'Venus Chemicals' and that the said partnership firm's name was changed to 'Venus Company' thereafter. Therefore, it cannot be



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said that these documents are *ex facie* irrelevant. As regards the application for secondary evidence, it relates to a registration certificate issued by the Central Sales Tax Department. Therefore, reasonable cause is shown.

5. Accordingly, these applications are allowed subject to the right of the rectification petitioner to file an affidavit of admission/denial in respect thereof and raise objections, *inter alia*, on the grounds of admissibility, relevance and proof in course of trial.

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24.06.2025
(1/2)

To

The Registrar of Trademarks,
Trademarks Registry,
G.S.T.Road, Guindy, Chennai 32.



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