



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**

A No. 2204 of 2025
in C.S.(Comm.Div)No.7 of 2024

1. Mr. Suraj Sharma,
S/o. Mr. Laxmi Narayan Sharma,
WE-305, Chhajju Ram street, Ali Mohalla,
Jalandhar Punjab-144001.

2. M/s. Nippon Paint & Chemicals
Tilak Nagar Road, Ghass Mandi Basti Sheikh
Jalandhar City, Punjab-144002.
Representing through its Proprietor Mr.Suraj Sharma

... Applicants/Defendants

-VS-

1. Nippon Paint Holdings Co. Ltd.,
2-1-2, Oyodo Kita, Kita Ku,
Osaka, Japan.
Through its Power of Attorney, Subash Gaijes Selvaraj.



2. Nippon Paint (India) Private Limited,
129, 140, 9th floor, Prestige Palladium Bayan Buildings,
Greams Road, Thousand Lights,
Chennai-600 006.

Through its Power of Attorney, Subash Gaijes Selvaraj.

... Respondents/Plaintiffs

Prayer: Application is filed under Order XIV Rule 8 of the O.S. Rules and Order VIII Rule 1 of C.P.C., 1908, to condone the delay of 50 days in filing of written statement by defendants in C.S.(Comm.Div)No.7 of 2024 along with the documents.

For Applicants : Mr.D.Vashishtha
for Mr.Vivekanandh

For Respondents : Mr.J.V.Abhay
for Mr.Allwin Godwin

ORDER

By this application, the defendants seek the condonation of delay of 50 days in filing the written statement.

2. While considering the application to condone the delay of 97 days in re-presenting the written statement, the submission of learned counsel for the defendants that the written statement had been taken on file and referred



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to while disposing of interlocutory applications was noticed. Learned counsel for the applicants submits that even the reply statement was filed by the plaintiffs in response to the written statement. In the affidavit in support of the application, about three reasons are set out, namely, non-functioning of the website of the Trademarks Registry thereby resulting in delay in obtaining relevant documents, the inability to meet counsel in Delhi on account of the farmers' agitation, and the alleged failure of the plaintiffs to place on record all documents pertaining to the opposition proceedings between the parties.

3. Learned counsel for the respondents/plaintiffs opposes this application on the ground that no evidence has been placed on record with regard to the non-functioning of the website of the Trademarks Registry. According to learned counsel, the other reasons set out in the affidavit are equally untenable and do not constitute sufficient cause.

4. The length of delay is admittedly 50 days. It appears that the written statement was taken on file and adverted to in course of disposal of



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interlocutory applications. The plaintiffs have filed a reply statement in response to the written statement. While the reasons set out in the affidavit are not wholly convincing, in the overall facts and circumstances, sufficient cause is shown. Therefore, this application is allowed and the Registry is directed to receive the written statement of the defendants.

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