



(TM) A No. 70 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

(TM) A No. 70 of 2025

in

OP(TM) No.74 of 2024

M/s.Karthikeya Crop Technologies
D. No 1-256, Kokkunda,
Mullugu, Siddipet 502 336.

Applicant

Vs.

1. Bushanam Rayelly
H.NO.1-81, Masireddypalle,
Nutunkal Village, K.V.Ranga Reddy
District, Medchal - 501401,
Telangana, India.

2.Living Seed Technologies LLP,
Rep by its Managing Partner,
Mr.Bhushanam Rayelly,
House No. 16-11/22/A, Flat No. 417
Gyandeeep Towers, Moosarambagh,
Hyderabad 500 036. Telangana, India.

3.The Registrar of Trademarks
The Office of Trademarks Registry,
Intellectual Property Building,
GST Road, Guindy, Chennai 600 032.

Respondents



PRAYER: This application has been filed under Order XIV Rule 7 and 8 of OS Rules read with Order IX Rule 13 of Code of Civil Procedure and Rule 8 of Madras High Court Intellectual Property Division Rules 2022, to set aside the ex-parte order dated 17.06.2025 passed against the 1st Respondent in OP.(TM) No.74 of 2024.

For Applicant: Ms.R.Kaniska
for M/s.Nathan and Associates
For Respondent: Mr.Ramesh Ganapathy for R1

ORDER

The present application has been filed to set aside the ex-parte order dated 17.06.2025 passed against the 1st Respondent in OP.(TM) NO.74 of 2024.

2. Ms.R.Kaniska, learned counsel for the applicant has set out the reasons in para no.3 of the affidavit, which is extracted hereunder:

“I most respectfully submit that upon service of the notice in the said original petition, I had promptly taken steps to protect my rights and interest by engaging counsel and causing the filing of the vakalatnama through my learned Advocate on 17.06.2025, through e-filing mode as well as physically in the Registry of this Hon'ble Court on 17.06.2025. However, due to circumstances beyond my control, despite the due filing of vakalatnama, my appearance was not shown in the cause list issued by the Registry of this Hon'ble Court. Consequently, I was deprived of an opportunity to appear or effectively contest the matter, resulting in an ex parte order being inadvertently



WEB COPY

(TM) A No. 70 of 2025



passed against me, to my grave prejudice. The non-inclusion of my name in the cause list was neither intentional nor due to any lapse on my party, and I had at all times acted diligently in prosecuting my defence.”

3. Per contra, referring to the counter affidavit, the learned counsel for the first respondent vehemently contended that notice was served on the applicant in the main O.P., on 12.02.2025 and the case was listed on various occasions i.e., on 01.07.2025, 10.07.2025 and 17.07.2025, and in all those occasions, the name of the applicant was reflected in the cause list and even thereafter, there is no representation on behalf of the applicant herein.

4. The learned counsel for the first respondent drawing attention to the explanation contained in para no.3 of the affidavit, submitted that the reasons stated by the applicant are vague.

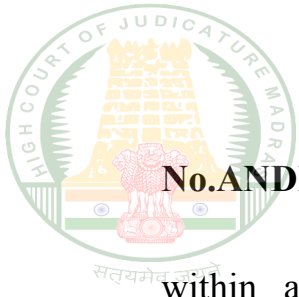
5. Heard the learned counsel for the applicant as well as the learned counsel for the first respondent and also perused the materials available on record.



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6. It is not in dispute that notice was served on the applicant. The only contention of the applicant is that the vakalat filed by the applicant's counsel was returned. This Court is of the view that it is the responsibility of the counsel to verify as to whether the vakalat was filed intact and the same was taken on record.

7. It is also to be noted that in an identical issue between the same parties, suits are pending in Courts at Mysuru and Hyderabad. Even, if the applicant succeeds, they have to contest the pending cases, in the Courts of Mysuru and Hyderabad. In view of the above, this matter has to be adjudicated after setting aside the ex-parte order on merits. Hence, this Court is inclined to set aside the ex parte order dated 17.06.2025 passed by this Court, on payment of costs of Rs.50,000/- (Rupees Fifty Thousand only) payable by the applicant to **CANCER INSTITUTE (WIA), Adayar, with the following Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute (WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai-36, bearing SB Account No.149710011005477, IFS Code**



No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049,

within a period of one week from the date of receipt of a copy of this order.

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Upon such payment made by the applicant within the stipulated time, this petition stands allowed, the main OP shall be given a speedy disposal. No costs.

09-09-2025

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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N.SENTHILKUMAR J.
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