



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)(TM)A.No.3 of 2024
in (T)OP(TM)No.9 of 2024

M/s.Shri Lakha Ram Sharma, Trading as M/s.Kundan Cable India
1/2275, Subhash Marg, Mandoli Road, Ram Nagar, Shahadara, Delhi
110032.

... Applicant

vs.

1. M/s.Balar Marketing Pvt. Limited,
2/62, Bhim Gali, Vishwas Nagar, Shahadara, Delhi 110032.

2. M/s.AIPAI Electrical Trading Co.,
141, Govindappa Naichen Street,
Chennai-600 079.

3. The Registrar of Trade Marks,
Dwarka, New Delhi.

.. Respondents

Prayer: Application is filed under Order VI Rule 17 of the CPC Read
With Section 92 of the Trade Marks Act, 1999, for amendment of the
counter statement in terms of Para No.8 (A-C) of the instant application
and to take on record the amended counter statement.



For Applicant :Mr.M.K.Miglani

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

For R3:Mr.K.Subbu Ranga Bharathi, CGSC

ORDER

By this application, the 1st respondent seeks permission to amend the counter statement. The nature of the proposed amendments are set out at paragraph 8 of the application.

2. Learned counsel for the applicant submits that these amendments correspond to documents that the applicant/1st respondent had previously been permitted to place on record. Therefore, he submits that the amendments be permitted and that allowing these amendments does not cause prejudice to the rectification petitioner. He also relies upon the judgment of the Delhi High Court in *MD. Islamuddin v. S.S.Kapoor*; 2022/DHC/004587.

3. In response, learned counsel for the rectification petitioner submits that the application may be allowed subject to the right of the rectification petitioner to file a rejoinder along with supporting documents, if necessary.



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4. The rectification petition is at the pre-trial stage. Upon examining the proposed amendments and on considering the submissions in relation thereto, this application is liable to be allowed subject to the right of the rectification petitioner to file a rejoinder along with supporting documents, if necessary.

5. Accordingly, the application is allowed on the terms indicated above. Consequently, the applicant/1st respondent shall carry out amendments in the counter statement on or before 07.04.2025. The rectification petitioner is permitted to file a rejoinder within three weeks from today.

25.03.2025
(1/2)

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To

The Registrar of Trade Marks,
Dwarka, New Delhi.

SENTHILKUMAR RAMAMOORTHY,J.



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