



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM

THE HONOURABLE MR.JUSTICE N. SENTHILKUMAR

(TM)A.No.79 of 2025
in OP(TM) No.29 of 2024

Captain Tractors Private Limited

Represented by its Authorized Representative, Arvind D.Shingala, 106,

Royal Complex, Near Bhutkhana Chowk, Dhebar Road,

Rajkot 360002, Gujarat.

... Applicant/Petitioner

-VS-

1. Ashok Leyland Limited

No.1, Sardar Patel Road, Guindy,

Chennai 600032.

2.The Registrar of Trade Marks,

Trade Marks Registry,

Intellectual Property Office Building,

GST Road, Guindy, Chennai-600 032.

... Respondents

Prayer : Application is filed to allow the framing of additional issues in OP

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(TM) No.29 of 2024.

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For Petitioner : Ms.S.Nithya

For Respondents : Mr.K.Premchander for R1
Mr.V.Chandrasekaran, SPC for R2

ORDER

The present application has been filed by the petitioner seeking to raise four additional issues, as set out in pages 1 to 3 of the application, which are extracted hereunder:

“I. Whether the omission of the Petitioner’s registered trademark ‘CAPTAIN’ from the examination report dated 03.10.2019, by the second respondent was erroneous and unjustified under the Trade Marks Act, 1999?

II. Whether the registration granted to the first respondent, in disregard of the Petitioner’s prior rights and in the absence of a proper examination report, unlawfully infringes upon or dilutes the Petitioner’s trade mark rights and constitutes a procedural irregularity



under the Trade Marks Rules, 2017?

III. Whether the Respondent's use of the mark "CAPTAIN", registered and essential part of the Petitioner's trade mark, alongside "Ashok Leyland", amounts to bona fide use or bad faith and misappropriation under the Trade Marks Act, 1999, likely causing confusion or a false trade connection in respect of tractors?

IV. Whether the omission of the Petitioner's registered trade mark 'CAPTAIN' from the examination report dated 03.10.2019 by the second Respondent amounts to a failure to discharge the statutory duty of proper examination under the Trade Marks Act, 1999?"

2. In the counter filed by the first respondent, it is stated that, additional issues now sought to be framed by the petitioner are already framed by this Court in order dated 10.07.2025 in Issue No.(viii) i.e. "whether the entry relating to the impugned mark was made in contravention of Section 11 of the Trade Marks Act, 1999 or was otherwise made without

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sufficient cause?. It is further stated in the counter that Issue No.(iii) of the additional issue is a mere reiteration of Issue No.(ii). Therefore, the same cannot be reiterated by merely rephrasing them in different language.

3. Framing of issues, including additional issues, is only for the purpose of providing clarity in the adjudication. In order to facilitate better appreciation of the matters to be decided by the second respondent, the four additional issues may be added, as no prejudice would be caused to the respondents by incorporating them in addition to the issues already framed on 10.07.2025.

N.SENTHILKUMAR,J.

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4. Accordingly, the petition is ordered as prayed for.

Post on 11/12/25.

20.11.2025

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To

The Registrar of Trade Marks,
Trade Marks Registry,
Intellectual Property Office Building,
GST Road, Guindy, Chennai-600 032.

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