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OP(TM) No. 74 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.07.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.(TM).No.74 of 2024

Bhushanam Rayelly,
H.No.1-81, Masireddypalle,
Nutunkal Village, K.V.Ranga Reddy District,
Medchal - 501401, Telangana, India. and another ...Petitioners

Vs.

M/s.Karthikeya Crop Technologies,
D.No.1-256, Kokkunda, Mulugu,
Siddipet - 502 336 and another ...Respondents

For Petitioner(s): M/s.Ramesh Ganapathy

For Respondent(s): Mr.J.Madanagopal Rao, SPC, for R2
R1 – Set exparte, vide order dated 17.06.2025

ORDER

The matter is listed today upon being mentioned by the learned counsel
for the petitioners.



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SENTHILKUMAR RAMAMOORTHY, J.

skt

2. Learned counsel for the petitioners submits that the order dated 10.07.2025 contains a typographical/clerical error on Page.No.5. In particular, he states that the year 2015 in the 1st line of Page No.5 should be substituted with the year 2021.

3. On examining the records, the contentions of the learned counsel for the petitioners are liable to be accepted.

4. Therefore, Registry is directed to re-issue the order by substituting the year “2015” with the year “2021” in the 1st line of Page No.5 of the said order dated 10.07.2025.

17.07.2025

skt

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

OP(TM) No. 74 of 2024

and

(TM) A.No.123 of 2024

1.Mr. Bhushanam Rayelly,
H.No.1-81, Masireddypalle,
Nutunkal Village, K.V.Ranga Reddy District,
Medchal - 501401, Telangana, India.

2.M/s.Living Seed Technologies LLP,
Rep.By Its Managing Partner
Mr.Bhushanam Rayelle,
House No.16-11/22/a, Flat No.417,
Gyandeept Towers, Moosarambagh,
Hyderabad - 500 036, Telangana, India.

Petitioners

Vs

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

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

Respondents



PRAYER

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Original Petition Trade Mark filed under Section 57 of the Trade Marks Act, 1999, to rectify the Trade Marks Register by removing, expunging and/or cancelling the Trade Mark of the Respondent No.1 which has been granted Registration by the Respondent No.2, that stands Registered under the Application No.4972011 in Class 31.

For Petitioners : M/s. Ramesh Ganapathy

For Respondents : Mr. J. Madanagopal Rao,
SPCGSC - For R2
R1 - Set Exparte Order
Dt.17.6.2025

ORDER

By this petition, the petitioners seek rectification of the Register of Trade Marks by expunging the entry relating to trade mark No.4972011 in Class 31 therefrom.

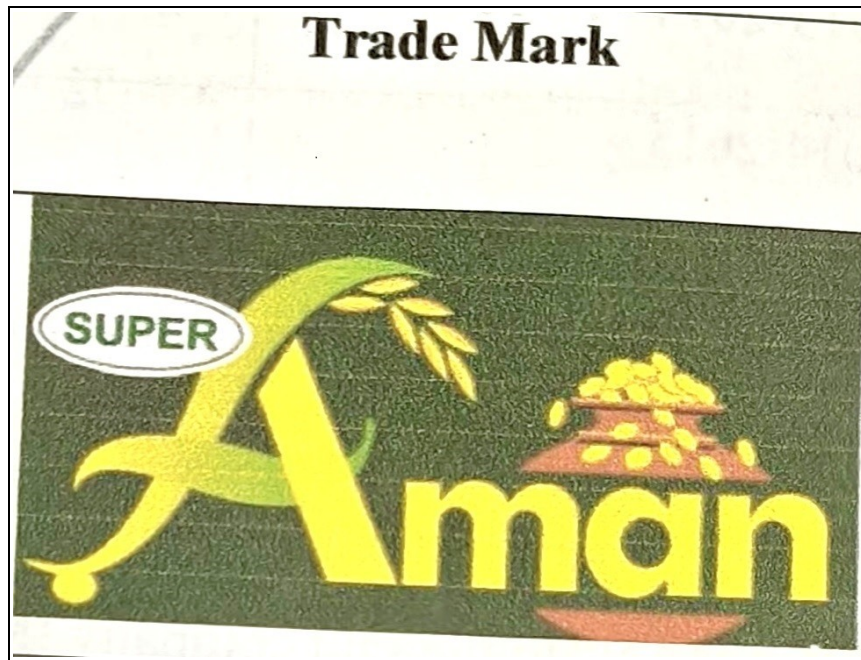
2. After noticing that the first respondent had not entered appearance in spite of receipt of notice and the name of the said respondent being printed in the cause list, at the hearing on 17.06.2025, the first respondent was set *ex parte*. The first respondent continues to be unrepresented. Therefore, the



matter is proceeded with in the absence of the first respondent.

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3. Learned counsel for the petitioners submits that the first petitioner coined, adopted and used the following trade mark



in relation to agricultural products, particularly paddy, in the year 2009. He further submits that the mark was used continuously in relation to such products since then. As evidence of use, learned counsel refers to the invoices issued by the first petitioner and second petitioner. He points out that the earliest invoice on record is dated 16.06.2009. He also relies upon the certificate issued by "Niranjan & Narayan" Chartered Accountants, with regard to the turnover and advertising expenditure incurred by the second petitioner. After pointing out that



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the first petitioner is the managing partner of the second petitioner, learned counsel submits that sales are currently being carried on through the second petitioner in respect of products bearing the petitioners' trade mark.

4. As regards the first respondent, learned counsel submits that the said respondent applied for registration of the following impugned mark



in the year 2015. Upon the impugned mark being advertised, he states that the



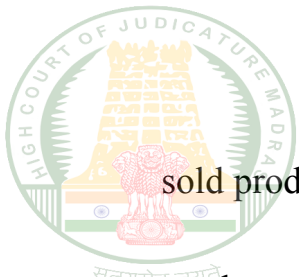
petitioners endeavoured to oppose the registration, but were not permitted to do so in view of the expiry of the time limit of four months.

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5. In order to establish the *mala-fide* conduct of the first respondent, learned counsel refers to the interim orders obtained in O.S.No.1 of 2021 before the Principal District and Sessions Judge, Mysuru and in O.S.No.168 of 2021 before the Chief Judge, City Civil Court, Hyderabad.

6. The petitioners' trade mark is a device mark consisting of the prominent element "SUPER AMAN". It is used in relation to agricultural products, such as paddy. The impugned mark contains the prominent feature "SUPER AMMAN". It is also used in relation to agricultural products, such as paddy. Even the manner in which the letter "A" is written in the impugned mark is strikingly similar to the manner in which the said alphabet is written in the petitioners' mark.

7. From the documents on record, it appears that, the first petitioner



sold products bearing the trade mark since 2009. The invoices relating to sale of products bearing the impugned mark were issued since December 2020.

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Therefore, the evidence leads to the conclusion that the petitioners are the prior users of the mark.

8. Given the striking similarity between the rival marks and the use thereof in relation to identical products, it is likely that confusion or deception would be caused by the use of the later mark. The petitioners have also provided evidence of substantial use in the form of invoices and the certificate of "Niranjan & Narayan", Chartered Accountants. Such certificate discloses a turnover of Rs.8,92,80,879/- for the financial year 2022-2023 and advertising and related expenditure of Rs.53,31,587.87/- for the said financial year. In these circumstances, the entry relating to the impugned mark was made without sufficient cause, and is, consequently, liable to be removed.

9. In the result, O.P (TM) No.74 of 2024 is allowed by directing the



Registrar of Trade Marks to remove the entry relating to Trade Mark

No.4972011 in Class 31 from the Register of Trade Marks. This exercise shall

be completed within 30 days from the date of receipt of a copy of this order.

Consequently, the connected application in (TM) A. No.123 of 2024 is also

closed.

10-07-2025

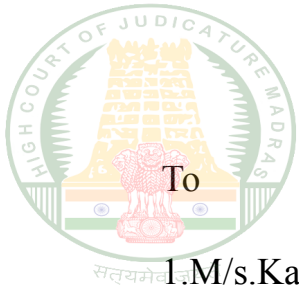
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

klt



OP(TM) No. 74 of 2024



To

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

2. The Registrar of Trademarks
The Office of Trademarks Registry,
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SENTHILKUMAR RAMAMOORTHY J.

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and (TM) A.No.123 of 2024**

10-07-2025