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OP(TM) No.2 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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M/s.Shifa Collection,
Shop No.22/22A, 1st Galli,
Navpada Ghas Bazar, Bandra East,
Mumbai – 400 051
Represented by its Managing Director,
Mr.Shaikh Husain Abdul Rehman

.... Petitioner

Vs.

1. K.G.N.Fashion,
represented by its Proprietor Mr.Nasir Ali Khan,
Ground Floor, No.33, Channappa mansion,
Opp. Baneshwara Temple, AS Char Street,
Bangalore – 5600 053, Karnataka.

2. The Registrar of Trademarks,
Trade Marks Registry,
Intellectual Property Office Building,
G.S.T. Road, Guindy, Chennai – 600 032.

.... Respondents

PRAYER: Original Petition(Trademark) filed under Section 57 of the Trademarks Act, 1999 to remove/expunge/rectify the entry relating to Registration No.5608081 in Class 25 and award costs in favour of the petitioner.

For Petitioner : Mr.Arun C Mohan

For Respondents : Mr.S.Harish

for M/s.Thriyambak J.Kannan [R1]

Mr.J.Madanagopal Rao

Standing Panel Counsel [R2]



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ORDER

This petition was filed under Section 57 of Trademarks Act, 1999 for remove/expunge/rectify the entry relating to Registration No.5608081 in Class 25.

2. This petition came up for final hearing today. After hearing the learned counsel appearing on either side and after having a close look at the label mark in question, this Court suggested to the learned counsel for the 1st respondent that the 1st respondent can consider using a different label mark in order to avoid any further controversy.

3. The representative of the 1st respondent was present before this Court and the learned counsel for the 1st respondent received instructions from his client and informed this Court that the 1st respondent would withdraw the application and file a fresh application before the 2nd respondent.

4. The learned counsel for the 1st respondent further submitted that, in view of the order of injunction passed against the 1st respondent, the 1st respondent was not in a position to use the label mark till date. Hence,



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considering the fact that the prolonged litigation may not enure to the benefit of the 1st respondent, such a decision has been taken by the 1st respondent.

5. In the light of the above development, the 1st respondent will not be able to use the impugned label mark and that substantially serves the purpose of the petitioner and the petitioner cannot have any further grievance insofar as the impugned label mark is concerned.

6. There shall be a direction to the 1st respondent to take immediate steps to withdraw the application on the impugned label mark preferably within a period of four(4) weeks from the date of receipt of a copy of this order.

This petition is disposed of in the above terms.

12.02.2026

mp

Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes /No



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N.ANAND VENKATESH, J.

mp

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