



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

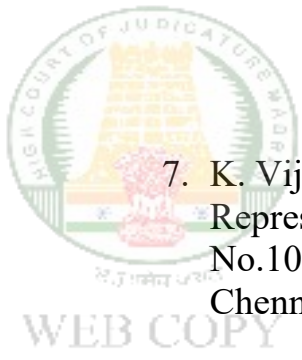
REV.PET(IPD) No. 1 of 2026

Dasaprakash Restaurant and Ice Cream
Parlour Pvt Ltd.,
22, Chandra Path,
Suraj Nagar, Suraj Nagar West,
Civil Lines, Jaipur, Rajasthan.

..Petitioner

Vs

1. The Deputy Registrar of Trade Marks
Intellectual Property Office Building,
GST Road, Guindy, Chennai - 600 032.
2. Shree Balakrishna Rao
Represented by the Official Assignee,
Office of the Official Assignee, High Court,
Chennai 600 104.
3. K.Balaram Das (Deceased)
No. 10, Raja Annamalai Road,
Chennai 600 084.
4. Rama Das (Deceased)
No.10, Raja Annamalai Road,
Chennai 600 084.
5. K.Bhagwan Das (Deceased)
No.10, Raja Annamalai Road,
Chennai 600 084.
6. K.Narayan Das (Deceased)
No.10, Raja Annamalai Road,
Chennai 600 084.



7. K. Vijaya Das (Deceased)
Represented by K.Vikram Das,
No.10, Raja Annamalai Road,
Chennai 600 084.
8. K.Ram Vittal Das,
No.10, Raja Annamalai Road,
Chennai 600 084.
9. K. Madhavamuni Das
Represented By K. Ram Vittal Das
No.10, Raja Annamalai Road,
Chennai 600 084.
- 10.Mysore Dasaprakash
Registered Partnership Firm,
Gandhi Square, Mysore 570001.
- 11.K.Sumithra Das
No.49-51, Poonamalle High Road,
Chennai 600 084.
- 12.K.Vishnu Mohandas
No.49-51, Poonamallee High Road,
Chennai 600 084.
- 13.K.Bala Mukundadas
No.49-51, Poonamallee High Road,
Chennai 600 084.
- 14.K.Lakshminarayana Das
No.49-51, Poonamallee High Road,
Chennai 600 084.
- 15.K.Latha Ramdas
No.49-51, Poonamallee High Road,
Chennai 600 084.
- 16.K.Raghu Ramdas
No.49-51, Poonamallee High Road,
Chennai 600 084.



17.Kalyani Das Kuthethur
No.49-51, Poonamallee High Road,
Chennai 600 084.

18.Bharathi Kuthethur
No.49-51, Poonamallee High Road,
Chennai 600 084.

19.K.Anuradha B.Das
No.49-51, Poonamallee High Road,
Chennai 600 084.

20.K.Dhananjaya Das
No.49-51, Poonamallee High Road,
Chennai 600 084.

21.K.Shashabindu Das
No.49-51, Poonamallee High Road,
Chennai 600 084.

22.K.Priya Prashanth
No.49-51, Poonamallee High Road,
Chennai 600 084.

23.Kunethur Poornima
No.49-51, Poonamallee High Road,
Chennai 600 084.

24.Kaimady Medhini Rao,
No.49-51, Poonamallee High Road,
Chennai 600 084.

25.Bhakta Govinda Kuthethur Das
No.49-51, Poonamallee High Road,
Chennai 600 084.

26.Kuthethur Pavanee
No.49-51, Poonamallee High Road,
Chennai 600 084.

27.Kuthethur Sri Vasudeva Das
No.49-51, Poonamallee High Road,
Chennai 600 084.



28. Vikram Das,
No.10, Raja Annamalai Road,
Chennai 600 084.

29. Madhavi Balal,
No.10, Raja Annamalai Road,
Chennai 600 084.

30. Kamala Rao,
No.10, Raja Annamalai Road,
Chennai 600 084.

31. Vishwanath Das
No.10, Raja Annamalai Road,
Chennai 600 084.

32. Jayalakshmi
No.33, Balfour Road, Kellys,
Chennai 600 010.

33. Ganga Prasad
No.33, Balfour Road, Kellys,
Chennai 600 010.

34. K. Kanthi,
No.33, Balfour Road, Kellys,
Chennai 600 010.

35. P. Usha Rajendira
No.33, Balfour Road,
Kellys, Chennai 600 010

..Respondents

Review Petition filed under Order XIV Rule 8 of Original Side Rules read with Order XLVII Rule 1(a) and Section 114 of the Code of Civil Procedure, 1908, to review the order dated 16.12.2025 in (T) CMA (TM) No.2 of 2023.

For Petitioner :

Mr. Arun C Mohan

For Respondents :

Mr. C. Samivel,

Senior Panel Counsel [R1]



ORDER

This review petition has been filed to review the order passed by this Court in (T) CMA (TM) No.2 of 2023 dated 16.12.2025.

2. Heard learned counsel on either side and carefully perused the grounds raised in the review petition.

3. This Court while dismissing the appeal rendered a finding that when the Memorandum of Understanding was entered into on 16.01.2001, the appellant company was stillborn and it came into existence only on 17.01.2001. Therefore, this Court held that the Memorandum of Understanding dated 16.01.2001, at the best, can only be construed as an agreement to enter into a future agreement and that the agreement, by itself, did not create any right on the appellant company.

4. After rendering the above finding, apart from assigning other reasons, one of the reason assigned against the appellant company is that Balakrishna Rao was not a major shareholder and hence, he could not have transferred any right or title in favour of the appellant company since the requirement under Clause 16 of the Family Arrangement dated 03.05.1989 was not fulfilled.



5. This review petition has been filed mainly on the ground that the Articles of Association clearly shows that the said Balakrishna Rao was one of the first directors of the company. Clause 16 of the Family Arrangement r/w Section 24 of the Trademarks Act, 1999, contemplates not only a major shareholder but also a director. Therefore, even if the said Balakrishna Rao does not satisfy the requirement as a major shareholder, he is certainly a director as per the Articles of Association and therefore, the competency of the said Balakrishna Rao stands fulfilled.

6. In the considered view of this Court, even if the above ground raised in the review petition is accepted by this Court, that by itself will not result in reviewing the order passed in the appeal since many other reasons were given by this Court while dismissing the appeal and one such reason was regarding the competency of the said Balakrishna Rao.

7. In the light of the above discussion, the ground raised in the review petition by itself cannot result in an error apparent on the face of the order passed by this Court since many grounds have been put against the said Balakrishna Rao in the appeal and therefore, a single ground, which has been culled out of the order in favour of the said Balakrishna Rao, cannot result in reviewing the entire order passed in the appeal.



In view of the above, no grounds are made out for reviewing the order passed in the appeal. Accordingly, this review petition is dismissed. No costs.

22-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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



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REV.PET(IPD) No. 1 of 2



N.ANAND VENKATESH, J.

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22.01.2026