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CMP No. 2525 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**CMP No. 2525 of 2026
in CMA(TM)/SR.No.9676/2026**

Prisma Garments
46, Uzhavan Street,
Uzhavan Nagar,
Erode-638009.

..Petitioner(s)

Vs

1. The Registrar of Trade Marks
Office of the Trade Mark Registry,
IP Office Building, G.S.T. Road,
Guindy, Chennai-32.

2. Gopalakrishnan

..Respondent(s)

PRAYER: To condone the delay of about 229 days in filing the present appeal seeking to set aside the order dated 27.02.2025 passed by the 1st Respondent in Opposition No. 1274455 against Application No. 6157939 in Class 25 and pass Such further or other orders considering the facts and Circumstances of the case and thereby render justice.

For Petitioner(s):

Mr.S.Rajesh Ramanathan

For Respondent(s):

Mr.R.Subramanian, CGSC for R1
Mr.S.Gokulkannan
for Mr.A.K.Rajaraman for R2



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SENTHILKUMAR RAMAMOORTHY, J.

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ORDER

The second respondent, who was the opponent before the Trade Marks Office, has filed the counter affidavit to this condone delay petition. In such counter, it is stated that the intending appellant has not provided sufficient reasons for the delay of 229 days.

2. The reason set out in paragraph 3 of the affidavit in support of the condone delay petition is that the intending appellant had technical issues and therefore the e-mail from the Trade Marks Office could not be accessed in the petitioner's inbox. It is also stated that the petitioner / intending appellant realized the same only after multiple complaints from vendors about non responsiveness to e-mails.

3. The length of delay is more than 7 months. Considering the same, the explanation is not wholly satisfactory. However, such explanation cannot be brushed aside especially in view of the fact that the intending appellant was the applicant and the mark was treated as abandoned solely on the ground of delay in filing evidence under Rule 46.

4. Considering the aforesaid, in my view, subject to payment of a sum of Rs.25,000/- as costs to the second respondent within two weeks from the date of receipt of a copy of this order, the delay in filing the appeal is condoned. Consequently, the Registry is directed to number the appeal, if otherwise in order.

15-04-2026

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