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(TM)A No.9 of 2026
(T)OP(TM) No. 313 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**(TM)A No.9 of 2026
in (T)OP(TM) No. 313 of 2023**

Shailender Singh Bagga

Applicant(s)

Vs

1. Korya Honappa pujary
Mrs.Pushpa Honappa pujary, Trading as
Grenfield Distilleries, No.422,
Industrial Area, Baikampady,
Mangalore 575011

2.R.K.Distilleries Pvt Ltd
having its Registered office at 111,
Hanging Garden, Near Our Place
Restaurant, Road No.10, Banjara Hills,
Hyderabad 500034

3.The Registrar of Trademarks
Trademark Registry, Chennai 600032

4. Allied Blenders and Distillers
Limited
394/C, Lamington Chambers,
Lamington Road, Mumbai 400004

Respondent(s)



For Applicant(s): Mr.Hemant Daswani
For Respondent(s): Mr.K.K.Muralitharan
Central Government Senior
Counsel for R3
Mr.P.V.Balasubramaniam
Senior Counsel for
Mr.K.Premchander
M/s.Anand & Anand for R4

Hemant Daswani
G.S.KANAGAVEL For R2
MR. K.K. MURRALITHARAN,
CGSC FOR R3-memo Of
App. filed D.no.42376/2025

ORDER

This application has been filed to implead the applicant as the 4th respondent in the main petition.

2.Heard the learned counsel for the applicant and the learned counsel appearing on behalf of the respondents.

3.The applicant has filed the present application on the ground that he is the Assignee of the registered Trade Mark by virtue of the Assignment Deed (MOU) dated 13.04.2007 and that the proposed respondent has become the owner of the Mark and hence, the applicant is a necessary party in this petition,



since the original owner of the property who is the 1st respondent in the main petition has chosen not to contest this case. If the petition is decided without affording opportunity to the applicant, the applicant will be put to irreparable loss and hardship.

4.This Court has carefully considered the submissions made on either side and also the materials available on record.

5.The applicant is strongly relying upon the MOU dated 13.04.2007 to *prima facie* establish that he has become the owner of the Trade Mark and therefore, he must be given an opportunity to contest the rectification petition.

6.A careful reading of the MOU relied upon by the applicant shows that the same was executed by three partnership firms, each represented by the managing partner who happened to be the 1st respondent in the main petition and his wife. The MOU provides for various payments to be made by the applicant towards the transfer of Mark and at Clause 6 of the MOU it provides for signature of all required papers, documents, deeds etc., for proper conveyance of the license, movable and immovable properties in favour of the applicant. Thus, the MOU merely contemplated conveyance of the license and other properties on fulfilment of certain obligations. This document by itself did



not assign the Trade Mark in favour of the applicant.

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7.It is further seen from records that, as early as on 09.11.2017, a request was made by filing Form TM-24 in respect of the registered Trade Mark in the name of Greenfield Distilleries and this application was made by RK Distilleries Private Limited which is the 2nd respondent in the main petition. Even at that point of time, the MOU relied upon by the applicant was placed before the examiner of Trademarks and the same was not acted upon and further clarification was sought for. The communication dated 23.01.2018, is also to the same effect. It is also seen from records that a request for renewal was made by filing Form TM-R and this request was not made by the applicant but it was made by RK Distilleries Private Limited, which is the 2nd respondent in the main petition. This request was made on 17.08.2019. If really the Assignment had taken place in favour of the applicant, it is hard to fathom as to why the renewal was sought for in the name of the 2nd respondent Company. Further the application was abandoned on 18.06.2003.

8.All of a sudden, the applicant came up with a Supplementary Deed of Assignment dated 15.06.2007 and till that point of time, this document was not mentioned before any authority. This Supplementary Deed of Assignment is typed in a stamp paper purchased at Karnataka on 25.03.2006 and what is more



surprising is that the stamp paper was purchased one year prior to the parties meeting and agreeing for assignment in the year 2007. Even though, MOU was executed by the 1st respondent and his wife, this Supplementary Deed of Assignment is executed only by the 1st respondent.

9.As on date, the name of the applicant has not been incorporated in any of the official records as an assignee and the applicant has not even submitted an application for renewal and is actually submitted by the 2nd respondent and the 2nd respondent alone is recognised as the proprietor of the Mark.

10.If in spite of the assignment, renewal is sought for by the third party, Section 25(2) of the Trade Mark Act makes it clear that such renewal is not valid. Useful reference can be made to the judgement of the Delhi High Court in ***RG Oswal Hosiery Industries vs. Union of India and others*** reported in **2012 SCC Online Delhi 1002**.

11.The learned counsel for the applicant at the time of hearing submitted a document across the bar as if the 1st respondent recognises the applicant as the proprietor of the Trademark. It is very difficult for this Court to act upon this material that was placed before this Court, since the 1st respondent has chosen not to contest this case and whereas, the 1st respondent is willing to recognise



the applicant as the proprietor of the Mark. Such proprietorship claimed by the applicant is not even substantiated in the documents available before this Court and it is highly doubtful. In such an event, if the 1st respondent recognises the applicant as the proprietor of the Trade Mark, nothing prevent the 1st respondent to file at least an affidavit by stating the necessary facts. Thus, the conduct of the 1st respondent is far from satisfactory and this Court does not find any valid material to accept the claim made by the applicant that by virtue of the Assignment of the Trade Mark the applicant is owner/proprietor of the Trademark.

12.In the light of the above discussion, this Court does not find any merits in this application and in the light of the materials available before this Court, it is seen that the applicant is a third party and therefore, is neither a necessary nor a proper party to the proceedings.

13.In the result, this application stands dismissed. No Costs.

10-02-2026



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

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