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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.Nos.1766 & 1767 of 2025
in C.S.(Comm.Div)No.2 of 2024

In both applications:

Bibin John, Trading as Melange Designing Studio
Dwarai Swami Lane, MG Road, Ernakulam,
Kerala 682035.

... Applicant/Defendant

-VS-

Lifestyle International Private Limited,
Express Avenue, 49, 50L, Block No.9,
Triplicane Village, Whites Road,
Mylapore, Chennai – 600014,
Represented by its Authorized Signatory
Mr. A. Shyam Ravindhar

... Respondent/Plaintiff

Prayer in A.No.1766 of 2025: Application is filed under Order XIV Rule 8 of the Original Side Rules Read With Section 124 of the Trade Marks Act, 1999, to frame an issue regarding the validity of the respondent/plaintiff's



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trade mark registrations for the mark MELANGE/



bearing Registrations Nos.1328377 in Class 24, 1328378 in Class 25, 1328379 in Class 35 and the mark



3191599 in Class 24, 25 & 35.

Prayer in A.No.1767 of 2025: Application is filed under Order XIV Rule 8 of the Original Side Rules Read With Section 124 of the Trade Marks Act, 1999, to adjourn the present suit for a period of three months to permit the applicant/defendant to institute rectification proceedings before this Hon'ble High Court to cancel the respondent/plaintiff's trade mark registration bearing Registration Nos.1328377 in Class 24, 1328378 in Class 25, 1328379 in Class 35 and 3191599 in Class 24, 25 & 35.

For Applicant : Mr.M.S.Bharath

For Respondent : Mr.Arun C.Mohan

COMMON ORDER

The defendant in the suit has applied to frame an issue regarding the validity of the plaintiff's registration under Trade Mark Nos. 1328377 in



Class 24, 1328378 in Class 25, 1328379 in Class 35 and 3191599 in Class 24, 25 & 35.

2. In the amended written statement, at paragraph 21A thereof, the defendant has asserted as under:

“21A. The Plaintiff has not filed any documents to prove the use of the trademark “MELANGE” from the year 2004 as claimed by them in the Plaint and in the Trademark Applications filed under No.1328377, 1328378, 1328379 filed by them. The mere existence of the trademark “MELANGE” on the Register of Trademarks, from the year 2004 does not prove the actual use of the trademark in the market since the year 2004. The Defendant submits that evidently, the adoption of the mark, MELANGE by the Plaintiff in relation to goods falling under Class 24 and 25 is also not honest, considering the prior adoption and use of the trademark MELANGE by one Ms.Sangita Singh Kathiwada. The Trademark registrations have therefore been obtained by the Plaintiff, relying on false claims of adoption and use and are therefore invalid and liable to be cancelled on the above grounds.”



Thus, there is a pleading with regard to the alleged invalidity of the plaintiff's trade mark. The grounds for the assertion are also set out therein.

3. Learned counsel for the plaintiff submits that the averments in paragraph 21A are denied. He, however, adds that an issue may be framed and decided.

4. Considering the averments in paragraph 21A of the written statement, the defendant has made out a *prima facie* case to frame an issue in relation to the validity of the aforementioned trade marks. Accordingly, the following issues are framed:

- “(i) Whether the registration of Trade Mark No.1328377 is valid?*
- (ii) Whether the registration of Trade Mark No.1328378 is valid?*
- (iii) Whether the registration of Trade Mark No.1328379 is valid?*
- (iv) Whether the registration of Trade Mark No.3191599 is valid?”*

5. For reasons aforesaid, A.No.1766 of 2025 is allowed by framing the above issues.



6. Learned counsel for the defendant submits that he has been instructed to withdraw A.No.1767 of 2025. He has made an endorsement for the said purpose. Therefore, A.No.1767 of 2025 is dismissed as withdrawn.

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SENTHILKUMAR RAMAMOORTHY,J

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