WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

WP(IPD) No. 32 of 2026

CNR: {HCMA011892682026}

M/s.PROPLE HEALTH CARE
A Registered Partnership Firm,
Represented by its Managing Partner,
KN.NAGESWARI,
No.86, Varalakshmi Nagar, Maduravoyal,
Chennai-600 095, Tamil Nadu.

..Petitioner(s)

Vs

The Registrar of Trade Marks
Office o the Trade Marks Registry,
Intellectual Property Office Building,
G.S.T. Road, Guindy, Chennai- 032.

..Respondent(s)

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to the Respondent to permit the petitioner to renew the registration of the mark "ARIPEL" bearing No.2896329, in Class 5, registered under certificate of Registration No.1685217, dated 24.10.2017.

For Petitioner(s): Mr.S.DIWAKAR

For Respondent(s): Mr. D.Baskar,
Central Government Counsel

ORDER

The petitioner has filed the instant writ petition seeking issuance of writ of mandamus to renew the registration of the mark "ARIPEL" bearing No.2896329 in Class 5, registered under Certificate of Registration No.1685217 dated 24.10.2017.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. Heard Mr.S.Diwakar, learned counsel for the petitioner and Mr.D.Baskar, learned Central Government Counsel, for the respondent.

3. According to Mr.S.Diwakar, learned counsel for the writ petitioner, the petitioner applied for registration of Trademark on 02.02.2015, which was subsequently granted with effect from 02.02.2016, the 10 year period ends on 02.02.2025. However, according to the petitioner, an attempt was made to renew the registration in June 2026, admittedly, after lapse of 10 years period contemplated under Section 25 of the Trade Marks Act, 2017 (in short 'Act'). However, according to Mr.S.Diwakar, learned counsel for the writ petitioner, Section 25 of the Act, mandates a notice to be sent by the Registrar to the petitioner, before removing the mark from the Register and the said notice as contemplated under Section 25 has not been sent according to the petitioner. However, he would further state that even otherwise, the mark continues to remain in the Register of the respondent.

4. Relying on the identical facts and situation that arose before this Court in *Jaisuryas Retail Ventures Private Limited, rep by its Director Vs. The Registrar of Trade Marks,* in *W.P.(IPD) Nos.4 to 14 of 2024,* common order dated, *13.08.2024,* Mr.S.Diwakar, learned counsel for the writ petitioner, contends that when there is no proof of the notice alleged to have been sent by speed post, having been received by the petitioner and coupled with the fact that the mark has not yet been removed, the delay cannot be put against the

https://www.mhc.tn.gov.in/judis

WEB COPY

petitioner and consequently, the petitioner is entitled to renewal.

5. Mr.D.Baskar, learned Central Government Counsel appearing for the respondent, would rely on the typed set of papers filed along with the counter affidavit to evidence the fact that the notice as contemplated under Section 25 of Act, has been sent by speed post and the address to which it is sent is not disputed by the petitioner. He would therefore contended that there is presumption in law that the notice has been duly served when it has been sent to the admitted address of the petitioner. Insofar as the mark still remaining in the Register, it is the contention of Mr.D.Baskar, learned Central Government Standing Counsel that no steps have taken by the respondent in view of the interim order granted by this Court. He would therefore pray for the dismissal of the Writ Petition.

6. I have carefully considered the submissions advanced by the learned counsel on either side.

7. As rightly contended by Mr.S.Diwakar, learned counsel for the writ petitioner, this Court in an identical batch of the Writ Petitions in *Jaisuryas Retail Ventures Private Limited's* case (referred herein supra), as indicated above, was confronted with similar facts where also the petitioner contended that mandatory notice under Section 25 of the Act was not served upon the petitioner and that the mark continued to remain in the Register of the respondent. The respondent therein took an identical objection that the notice was sent and that a presumption should be drawn when the notices were

https://www.mhc.tn.gov.in/judis

WEB COPY

despatched to the registered and admitted address of the writ petitioner. However, this Court rejected the said contention and held that when the receipt of notice has been disputed by the writ petitioner, then it is incumbent upon the respondent to produce the acknowledgement card in support of due service and also dealt with the aspect of the mark not being removed from the Register and ultimately held that as long as the mark continued to be in the Register, the petitioner was entitled to seek for renewal.

8. I am in entire agreement with the ratio laid down by this Court in the above referred batch of Writ Petition. Here also, though it is the case of the respondent that notice was sent by speed post on 19.11.2024, there is nothing to evidence the fact that the said notice was actually served on the petitioner, especially when the petitioner asserts that such notice has not been served on the petitioner. Even insofar as Section 25(3) proviso and Section 25(4) of the Act, when the Trademark has not been removed from the Register consequent to non payment of prescribed fee for renewal, as held by this Court in the above referred cases, delay cannot be put against the petitioner. Admittedly, in the present case an application was attempted for renewal in June 2026 in the online mode.

9. In the light of the above, I am inclined to entertain the Writ Petition and the Writ Petition accordingly ***allowed***. This Court directed the respondent accepts the petitioner's renewal application, either physical mode or by online mode and subject to payment of all necessary fees and charges, the renewal

https://www.mhc.tn.gov.in/judis

WEB COPY

shall be given effect to as per law. Consequently, connected Miscellaneous Petition is also closed. No costs.

30-10-2026

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

RKP
To
The Registrar of Trade Marks
Office o the Trade Marks Registry,
Intellectual Property Office Building,
G.S.T. Road, Guindy, Chennai- 032.

https://www.mhc.tn.gov.in/judis

WEB COPY

P.B.BALAJI, J.

RKP

WP(IPD) No. 32 of 2026
and WMP(IPD) No.14 of 2026

30-10-2026

https://www.mhc.tn.gov.in/judis