



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

(TM)A.No.121 of 2025
in OP(TM) No. 4 of 2023

M/s. Seematti Silks, Represented by its proprietor
Mr. S. Asan Mohamed, 93-1, Trunk Road,
Poonamallee, Chennai, Tamil Nadu - 600 056.

..Applicant/Petitioner

Vs

1. T.Beena
Daughter of Sri . V. Thiruvengitam,
Proprietrix, M/s. Seematti,
M.G. Road, Ernakulam - 682 035.
2. The Registrar of Trade Marks
The Trade Marks Registry,
Intellectual Property Building,
G.S.T. Road, Guindy, Chennai - 600 032.

Amended as per order dated 28.11.2023 in
(TM) A. No. 74 of 2023 in OP(TM) No. 4 of
2023.)

..Respondents

Prayer : Application is filed under Order XIV Rule 8 of the Original Side Rules
Read With Order VII Rule 14 of the CPC, to allow the Applicant to file the
additional documents listed in the Judge's summons in OP.(TM)No.4 of 2023.

For Applicant:

Ms. Devi N.

For R1:

Mr. Ramesh Ganapathy



ORDER

The schedule was fixed for recording evidence. At that juncture, the rectification petitioner presented this application for permission to file additional documents. In the Judge's summons, a list of 30 documents is mentioned. These are documents from the year 1997 onwards.

2. Learned counsel for the contesting respondent opposes this application on the ground that these documents should have been in the possession, custody, control or power of the rectification petitioner and, consequently, should have been filed at the time of institution of the petition. He relies on the judgment of the Hon'ble Supreme Court in *Sudhir Kumar @ S.Baliyan v. Vinay Kumar G.B.*, (2021) 13 SCC 71 (*Sudhir Kumar*) and the judgment of the Delhi High Court in *Haldiram (India) Pvt. Ltd. and others v. Haldiram Bhujawala & another*, 2009 (109) DRJ 639 (*Haldiram*).

3. As recorded above, the trial is yet to commence. In the rectification petition, at paragraph 5, the petitioner states that the readymade garments store is being run for more than two decades under the trading style "M/s. Seematti". Therefore, it appears that there is basis in the pleading for filing documents relating to the period commencing from about 1997.



4. In *Sudhir Kumar*, the Supreme Court was dealing with the situation where documents were sought to be filed belatedly in a second suit. In *Haldiram*, the Delhi High Court concluded that a party does not have a vested right to file a document at a belated stage and that such document can be filed only with the leave of the Court and subject to the discretion of the Court. There can be no quarrel with these principles.

5. Considering the pleadings, the pre-trial stage of the proceedings and the fact that these are proceedings before a Court of first instance, some latitude should be extended to parties. At the same time, in view of the filing of these documents almost three years after the petition was filed, the applicant shall pay costs to the contesting respondent. Subject to payment of a sum of Rs.15,000/- (Rupees Fifteen thousand) as costs to the contesting respondent within two weeks from the date of receipt of a copy of this order, this application is allowed subject to the right of the contesting respondent to file an affidavit of admission/denial in respect thereof and raise objections *inter alia* on the grounds of admissibility, relevance and proof in course of trial.

KJ

04-03-2026
(1/3)



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SENTHILKUMAR RAMAMOORTHY J.

KJ

To

The Registrar of Trade Marks
The Trade Marks Registry,
Intellectual Property Building,
G.S.T. Road, Guindy, Chennai - 600 032.

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