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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.A.(COMM.IPD-TM) 28/2026, I.A. 13752/2026, I.A. 13753/2026 & I.A. 13754/2026

JYOTHY LABS LIMITEDAppellant
Through: Mr. Nikhil Sharma and Mr. Ayush Samaddar, Advocates.
versus

THE REGISTRAR OF TRADE MARKS & ORS.Respondents
Through: Mr. Piyush Gaur, SPC alongwith Mr. Debashish Mishra, G.P. for the Registrar of Trade Marks/R-1.
Mr. Sukun K.S. Chandeale, Mr. Abhinav Bhalla, Ms. Avanti Tewari and Ms. Shubhi Mehta, Advocates for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% **ORDER**
19.05.2026

1. Mr. Piyush Gaur, learned Senior Panel Counsel appearing for the Registrar of Trade Marks/respondent no.1 states that in pursuance of the order dated 18.05.2026, the Trade Mark Registry had communicated an e-mail dated 18.05.2026 stating as under:

*"Sir/Ma'am,
This is to inform you that in the matter of application no. 4964158 and Opposition no. 1279340, No acknowledgement mail for the service of counter statement has been found on email records. Hence it is presumed that counter statement was not served in this matter. Further as hon'ble court decide Trademark Registry will follow the directions.*

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Regards,

*Vipin
Senior Examiner of Trademark, Geographical Indication & Copyright/Legal
In-charge Trademark Registry, Delhi."*



2. Having considered the contents of the aforesaid e-mail, it appears that the present appeal can also be disposed of in terms of the order dated 18.05.2026 in C.A. (COMM.IPD-TM) 29/2026.

3. Accordingly, the directions contained in the said appeal shall, *mutatis mutandis*, be applicable to the present appeal too. For clarity, the directions in the said appeal are extracted hereunder:

“7. Having heard the learned counsel for the parties, it appears that the mandate under Rule 45 of the Trade Marks Rules, 2017 of serving counter-statement upon the opponent was not properly complied with by the respondent no.1, thus, depriving the appellant from filing its evidence as per Rule 45 of the Trade Marks Rules, 2017 in support of the Opposition Notice filed by it.

8. Having regard thereto, it appears appropriate to quash the impugned order and remand the matter back to the Registrar for completion of service of the counter-statement upon the appellant within three weeks from date. Thereafter, a proper opportunity shall be provided to the appellant to file evidence in accordance with Rule 45 of the Trade Marks Rules, 2017.

9. The Registrar is further requested to continue the proceedings of the said Opposition No.1279339, thereafter.

10. An affidavit in support of the undertaking substantiating the statement of Mr. Akshat Agarwal, learned SPC, shall be filed within one week from date. A copy thereof shall also be furnished to learned counsel for respondent no.2 as also to Mr. Rahul Chaudhry, learned counsel for the appellant.”

4. The present appeal is disposed of in the above terms in respect of Opposition No. 1279339 alongwith all the pending applications.

TUSHAR RAO GEDELA, J

MAY 19, 2026

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