$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010478022026**

\+ C.A.(COMM.IPD-TM) 63/2026, I.A. 27545/2026 & I.A. 27544/2026

JYOTHY LABS LIMITED .....Appellant

Through: Mr. Pravin Anand, Ms. Jaya Negi and Ms. Yashi Agrawal, Advocates

versus

ASSISTANT REGISTRAR OF TRADE MARKS & ANR. .....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr. Rishay Raj, Advocate for R-1
Mr. Sumit Wadhwa, Mr. Akshay Bhardwaj and Ms.Vanshika Arora, Advocates for R-2

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% 05.10.2026

1. The present appeal has been preferred by the appellant, assailing the impugned order dated 05.06.2026 passed by the respondent no. 1, whereby respondent no. 1 has abandoned the appellant's notice of opposition bearing no. 1173649 dated 15.06.2022, which was filed by the appellant opposing the respondent no. 2's trade mark application for device mark "" bearing no. 4967659.

2. Mr. Pravin Anand, learned counsel appearing on behalf of the appellant submits that impugned order has been passed by the respondent no. 1 without affording any hearing opportunity to the appellant.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:09:55

3. He invites attention of the Court to the hearing notice dated 13.11.2025 to contend that the hearing opportunity as given on 18.12.2025 *vide* said notice, which has been referred to in the impugned order, was actually given by the respondent no. 1 to one M/s Choice International Limited with regard to their notice of opposition filed against the impugned mark. However, inadvertently the impugned order came to be passed in the notice of opposition filed by the appellant.

4. In view of the above, issue notice.

5. Ms. Nidhi Raman, learned counsel for respondent no.1 accepts notice. Likewise, Mr. Sumit Wadhwa, learned counsel accepts notice on behalf of respondent no.2.

6. Ms. Raman, on instructions, states that no hearing notice was given to the appellant. In fact, the hearing notice was given to M/s Choice International Limited, who had similarly filed notice of opposition with regard to the application filed by the respondent no. 2.

7. Likewise, Mr. Sumit Wadhwa, learned counsel appearing on behalf of respondent no. 2 also fairly states that he has no objection in case the impugned order is set aside and notice of opposition filed by the appellant is restored to its original number.

8. He, however, contends that the respondent no.2 will be taking appropriate steps for pursuing the matter with the respondent no. 1 in so far as notice of opposition filed by M/s Choice International Limited is concerned.

9. Having regard to the submissions made by the learned counsel for the appellant as well as learned counsel for the respondents and having perused the record, this Court is of the view that no notice of hearing was issued to the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:09:55

appellant and the impugned order has been passed by the respondent no.1 under the wrong impression as if the notice of hearing was issued to the appellant, whereas, fact of the matter is that the notice was issued to one M/s Choice International Limited, who had similarly filed a notice of opposition against the impugned mark of respondent no. 2.

10. Accordingly, the impugned order dated 05.06.2026 is set aside and the notice of opposition dated 15.06.2022 bearing opposition no. 1173649 against respondent no. 2's trade mark application bearing no. 4967659 in class 38 is restored and the matter is remanded back to the respondent no. 1 for deciding the notice of opposition filed by the appellant in accordance with law after giving notice of hearing to the appellant.

11. The appeal is disposed of in the above terms.

12. The pending applications, if any, also stand disposed of.

VIKAS MAHAJAN, J

OCTOBER 5, 2026
tp/AA

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 08/10/2026 at 11:09:55