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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/206/2023
(ORA/25/2016/TM/CHN)

M/s.Mysore Silk Udyog
No.14/A, Rajaas Heights,
Kalidasa Road,
Mysore 570 002.

... Petitioner

-vs-

1.M/s.Mysore Saree Udyog LLP
(Formerly known as
M/s.Mysore Saree Udyog Pvt Ltd)
Reg Office at No.294, 1st Floor, Century Plaza,
K Kamaraja Road, Bangalore 560 042.

2.The Registrar of Trade Marks,
Chennai.

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under Sections 47(1)(a)(2)(b), 57(2)(3) and 125(1) of the Trade Marks Act, 1999, praying registered label Trade Mark “MYSORE SAREE UDYOG” with Trade Mark No.722208 in class 25 in the name of MYSORE SAREE UDYOG PVT. LTD., be expunged or removed or limited to the City of Bangalore.



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For Petitioner : No Appearance

For Respondent 1 : Mr.Arun C.Mohan
for M/s.Holla Associates

For Respondent 2 : Mr.Rajesh Vivekananthan,
Deputy Solicitor General

ORDER

The report dated 09.08.2023 of the Central Process Naazer, Mysore, records that notice could not be served on the petitioner because the petitioner is no longer functioning from the address specified in the petition. After noticing the above, on 05.09.2023, I directed the second respondent to ascertain whether a change of address was communicated by the petitioner to the Trade Marks Registry. Learned counsel for the second respondent submits that such change of address was not communicated.



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2. Learned counsel for the first respondent submits that the first respondent filed O.S.No.7239 of 2015 (IPR) against the petitioner before the XVIII Additional City Civil Judge at Bangalore and that the said suit was decreed on 10.08.2023 by permanently restraining the petitioner from infringing and passing off the plaintiff's registered trade mark 'MYSORE SAREE UDYOG' by using the trade mark 'MYSORE SILK UDYOG'.

3. Since the petitioner is not carrying on business at the address provided in the cause title and no alternative address is available, (T)OP(TM)/206/2023 is dismissed for non-prosecution without any order as to costs.

29.09.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

rna

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