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(TM)A/75, 76, 77/2023  
in (T)OP(TM)/200, 201, 202/2023  
(ORA/17, 18, 19/2016/TM/CHN)

**SENTHILKUMAR RAMAMOORTHY,J**

These three applications were filed to recall the order dated 20.10.2023 to substitute Kali Aerated Water Works Private Limited as the first respondent instead of Mr.G.Sundarapandian.

2. Learned senior counsel for the applicant submits that the above mentioned order was obtained by the respondent herein by suppressing material facts. In particular, she submits that the respondent herein is not entitled to maintain the rectification petition both on account of delay and acquiescence. She further submits that the respondent was aware that Mr.G.Sundarapandian died on 07.02.2013. In response to a question, however, she admits that it is factually correct that the relevant trade marks which form the subject of these rectification petitions were assigned to Kali Aerated Water



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SENTHILKUMAR RAMAMOORTHY, J

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Works Private Limited and that the Register of Trade Marks reflects the name of the said corporate entity.

3. In light of this factual position, no case is made out to recall the order dated 20.10.2023. It is, however, clarified that it is open to the applicant herein to raise all objections *inter alia* with regard to delay, acquiescence and maintainability when the rectification petitions are taken up for hearing.

4. Therefore, (TM)A/75, 76, 77/2023 are disposed of on the above terms.

30.11.2023  
(1/2)

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