

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/APPEAL FROM ORDER NO. 82 of 2026**

**With  
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026  
In R/APPEAL FROM ORDER NO. 82 of 2026**

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TINUBHAI BABUBHAI BHALGAMA & ORS.

Versus

ALPESHBHAI RANCHHODBHAI LUNAGARIYA & ORS.

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Appearance:

MS RUSHVI N SHAH with MR. ZAHID SHAIKH with MR. J. Z. SHAIKH with  
MR. ARBAZ A. SAIYED (5881) for the Appellant(s) No. 1,2,3,4

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE  
SUNITA AGARWAL  
and  
HONOURABLE MR. JUSTICE D.N.RAY**

**Date : 08/06/2026**

**ORAL ORDER  
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA  
AGARWAL)**

From a bare perusal of the judgment and order dated 09.03.2026, the findings of the Trial Court seem to be contradictory in nature, inasmuch as, the plaintiff itself produced documents of having commenced business in the year 2007 whereas the defendant had commenced the business in the year 2002. The findings in paragraph nos. 20 and 21 of the judgment impugned are contradictory in nature, when the Trial Court has recorded a prima facie view that the plaintiff is the prior user of the trademarks.

Besides that the defendant has registration certificate of the trademark issued in his favour in the year 2021 and there is no such registration with the plaintiff.

The matter requires consideration. Issue notice to the respondents through Speed Post returnable on 06.07.2026. Necessary steps be taken within a period of one week.

Till the next date of listing, the effect and operation of the judgment and order dated 09.03.2026 passed in the Commercial Trade Mark Suit No. 2 of 2025 shall be kept in abeyance.

The paper-book filed today is taken on record.

**(SUNITA AGARWAL, CJ)**

**(D.N.RAY,J)**

VARSHA DESAI