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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/286/2023
(ORA/43/2018/TM/CHN)
and (TM)A/9/2025
and C.S.No.489 of 2017

V.Lakshminaraswamy
No.160, Linghi Chetti Street, Chennai 600001,
Tamil Nadu, India and another

... Petitioners

-VS-

G.V.Natarajan (Deceased) Proprietor, S.M.Engineering Company,
No.24A/562-A, Amman Koil Street, G.K.M.Colony, Chennai 600082,
Tamilnadu, India and 5 Others

... Respondents

For Petitioners : M/s.GMS Law Associates

For Respondents : Mr.T.V.Krishnamachari for R2
Mr.S.Venkatesh for proposed R5
No appearance – R1

ORDER

Issues were framed by this Court on 03.10.2024. By this application,
the petitioners seek the framing of additional issues.



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2. Learned counsel for the applicants / petitioners submits that draft issues 1, 5, 7 and 9 may be framed as additional issues. On instructions, learned counsel for the sixth respondent in the rectification petition submits that he has no objection to these additional issues being framed. Upon considering the pleadings, documents, issues framed earlier and the present application, the issues are recast and re-framed as under:

1. *Whether the registration of the impugned trade mark (Trade Mark No.2264024) contravenes the provisions of Sections 9(1)(a) and 9(2)(a) of the Trade Marks Act, 1999?*
2. *Whether the registration of the impugned trade mark is in violation of Sections 11(1), 11(2), 11(3)(a) and 11(3)(b) of the Trade Marks Act, 1999 and Rule 25 of the Trade Marks Rules, 2017?*
3. *Whether the petitioners' trade marks "SUGUNA", "SI" monogram are well-known trade marks under the Trade Marks Act, 1999?*
4. *Whether the impugned trade mark registration has been obtained by suppression and fraud played on the second respondent by the first respondent, thereby warranting cancellation / rectification?*
5. *Whether the assignment agreement dated 27.01.2018 by the first*



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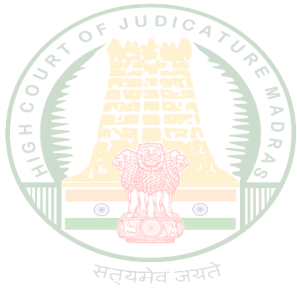
respondent in favour of the sixth respondent has been recorded in the records of the Registrar of Trade Marks by suppression and fraud by respondents 1 and 6 played on the second respondent and whether the registration of such assignment is therefore liable to be cancelled?

- 6. Whether the registration of the impugned trade mark is liable to be removed / rectified under Section 57 of the Trade Marks Act?*
- 7. Whether the parties are entitled to any other relief?*

3. The parties are directed to agree upon and submit a revised schedule for recording evidence. List the matter on 17.06.2025.

03.06.2025

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SENTHILKUMAR RAMAMOORTHY,J

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