

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3427/2025

Gurukripa Career Education Pvt. Ltd.

-----Petitioner

Versus

Madhu Lata Bhardwaj W/o. Ashutosh Tiwari

-----Respondent

Connected With

1. S.B. Civil Writ Petition No. 11196/2023
2. S.B. Civil Writ Petition No. 11207/2023
3. S.B. Civil Writ Petition No. 19767/2023
4. S.B. Civil Writ Petition No. 3428/2025
5. S.B. Civil Writ Petition No. 5719/2025
6. S.B. Civil Writ Petition No. 6208/2025

For Petitioner(s)	:	Mr. Rishab Bansal for Mr. G. D. Bansal
For Respondent(s)	:	Mr. Sumit Teterwal Mr. Pawan Pareek Mr. Gaurav Jain Mr. Arnav Singh Mr. Abhi Goyal with Ms. Meenal Bhargava Mr. Divyesh Maheshwari with Mr. Harshvardan Katara Mr. Ghanshyam Gaur Mr. P. C. Sharma Mr. Ajeet Singh for Mr. Amit Chhangani Mr. Samaksh Dasot

HON'BLE MR. JUSTICE SAMEER JAIN
Order

02/04/2026

1. In the present bunch of petitions, the issue pertains to Intellectual Property Rights, albeit not limited but primarily qua the provisions of Sections 47 and 57 of the Trade Marks Act, 1999 read with Rule 97 of the Trade Marks Rules, 2017.
2. At the outset, learned counsel for petitioners has submitted that the petitioner in **S.B. Civil Writ Petition No. 3427/2025** is

running a coaching institute, under the name 'Gurukripa', which in the year 2012, got registered with the Registrar of Trademarks. It is submitted that the petitioner was using the said brand trademark from a long period, and without following the due procedure and statutory mandate as provided under Section 11, 18 and Rule 33 of the Trademark Act, 1999, read with the Rules of 2017, respondents have conducted an arbitrary act, as with deception, a resembling trademark was issued.

3. It is further submitted that issuance of the said trademark without carrying out any examination, mandatory procedures has prejudiced the business of petitioner, on account of which he has approached the court under writ jurisdiction under Article 226 of the Constitution of India. Learned counsel has placed reliance upon judgment of **(1998) 8 SCC 1** titled as **Whirlpool Corporation v. Registrar of Trade Marks Mumbai**, and submitted that the writ Court should not hesitate to entertain a writ petition, if there is violation of principles of natural justice, fundamental rights or statutory mandate.

4. Further, it is submitted that the preliminary objections, as raised by the respondents qua appearing before the Registrar of Trademark, namely, qua reliance placed upon Section 57 of the governing Act, and first approach to the Registrar of Trademark for rectification are misconceived. It is next submitted that the preliminary objection taken, qua the territorial jurisdiction stating that Rajasthan High Court cannot entertain the writ petition as the cause of action, and the undersigning authority of the impugned order is Registrar of Trademark at Ahmedabad, for the reason that the seat of Trademarks grant authority is situated under the

jurisdiction of Gujarat High Court, is also misconceived. Learned counsel has placed reliance upon judgment of Apex Court in **M/s Kusum Ingots & Alloys Ltd. V. Union of India & Anr.** and **Neo Sacks Ltd. V. CEGAT & Anr. reported in 1998 (77) ECR 689 (MP)**. It is submitted that the said interpretation will lead to absurdity, that if any person/unit who is situated under the geographical boundaries of Rajasthan and is having jurisdictional competent authority in other state, he has to approach the distant High Court.

5. It is further submitted that forum convenience and the spirit of Article 226 of the Constitution of India establishes that cause of action arises where the impact is or material cause of action arose. Moreover, the usage of trademark is carried out primarily in the state of Rajasthan by not only the petitioner but also the respondent, and merely because jurisdictional office of Rajasthan state is situated at Ahmedabad, restraint cannot be made out for filing of writ petition at Rajasthan High Court.

6. *Per contra*, learned counsel appearing for the respondents have submitted that the instant batch of petitions, are not maintainable, for the reasons discussed hereinabove.

7. Considering that the matters are of vital importance and that substantial point of law is involved, this Court directs petitioners to supply a copy of the petitions in the office of Learned ASG as well as learned Advocate General.

8. In the instant matter, this Court appoints Shri Prakhar Agarwal as *amicus curiae*, and render assistance to the Court. Further, participation from Bar at large is invited to address the

Court; for which Registrar (Judicial) is directed to add the following NOTE in the cause list.

NOTE: *In view of the absence of a Trade Marks Registry within the State of Rajasthan, matters pertaining to registration, allotment, and allied proceedings concerning entities situated in Rajasthan are presently allegedly administered by the Trade Marks Registry at Ahmedabad. In the above backdrop, a question of jurisdiction has arisen for consideration, namely: whether, notwithstanding the administrative control exercised by the Registrar, Trademarks, Ahmedabad, the adjudication of disputes ought to lie within the territorial jurisdiction of the State of Rajasthan, having regard to the fact that the cause of action has arisen within Rajasthan, the parties are situated within the State, and the resultant legal and commercial impact is also confined thereto.*

9. Accordingly, the Bar at large is invited to assist this Court on the aforesaid issue of jurisdiction. Learned members of the Bar desirous of addressing arguments may kindly appear and render assistance on the next date of hearing. Withal, the panel counsel for the department(s) concerned are directed to be well versed and apprise the Court qua the procedural mandates of the governing statute.

10. List these matter on 23.04.2026 at 11.00 AM.

11. Officer In-charge for Registrar of Trademarks is also directed to remain present in Court in person or through VC on the next date of hearing along with the record.

12. Requisites be carried out prior to the next date of hearing.

(SAMEER JAIN),J