

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. 10794/2021
2. S.B. Civil Writ Petition No. 1144/2022
3. S.B. Civil Writ Petition No. 6216/2022
4. S.B. Civil Writ Petition No. 6217/2022
5. S.B. Civil Writ Petition No. 17321/2022
6. S.B. Civil Writ Petition No. 761/2023
7. S.B. Civil Writ Petition No. 9018/2023
8. S.B. Civil Writ Petition No. 9117/2023
9. S.B. Civil Writ Petition No. 9863/2023
10. S.B. Civil Writ Petition No. 11196/2023
11. S.B. Civil Writ Petition No. 11207/2023
12. S.B. Civil Writ Petition No. 11451/2023
13. S.B. Civil Writ Petition No. 12528/2023
14. S.B. Civil Writ Petition No. 12626/2023
15. S.B. Civil Writ Petition No. 16092/2023
16. S.B. Civil Writ Petition No. 17317/2023
17. S.B. Civil Writ Petition No. 17369/2023
18. S.B. Civil Writ Petition No. 19494/2023
19. S.B. Civil Writ Petition No. 19767/2023
20. S.B. Civil Writ Petition No. 19770/2023
21. S.B. Civil Writ Petition No. 14517/2024
22. S.B. Civil Writ Petition No. 19202/2024
23. S.B. Civil Writ Petition No. 2978/2025
24. S.B. Civil Writ Petition No. 3428/2025
25. S.B. Civil Writ Petition No. 5285/2025
26. S.B. Civil Writ Petition No. 5719/2025
27. S.B. Civil Writ Petition No. 6208/2025

For Petitioner(s) : Mr. Risabh Bansal with
Mr. Gaurav Aggarwal
Mr. Arnav Goyal
Mr. Rajeev Kumar Sogarwal,
President, Rajasthan High Court Bar
Association, Jaipur

For Respondent(s) : Mr. Bharat Vyas, ASG through VC with
Ms. Niti Jain Bhandari
Ms. Anushka Khandelwal
Mr. Rakesh Choudhary
Mr. Vrushank Poddar, Officer Reg.
Trademark through VC
Mr. C.S. Sinha with
Mr. Dev Yadav
Mr. Mayank Kamwar
Mr. Sumit Teterwal
Mr. Abhi Goyal
Mr. Samaksh Dasot
Ms. Nidhi Khandelwal
Mr. Pawan Pareek
Mr. Chinmay Sharma
Mr. Prakhar Agarwal, amicus curiae
with Ms. Anjali
Mr. Sahil Jain
Dr. Ashok Saini, Sr. Adv. through VC
Mr. Utkarsh Meena for
Mr. Sandeep Pathak
Mr. Gaurav Jain with
Mr. Arnav Singh
Mr. Shrikant Saini
Mr. Vipin Kumar Lodwal &
Dr. Rohit Jain for
Mr. K.N. Sharma
Mr. Divyesh Maheshwari with
Mr. Harsh Vardhan Katara
Mr. Amit Chhangani
Mr. P.C. Sharma with
Ms. Arpita Joshi
Mr. Raj Singh
Mr. Anuj Jain
Mr. Abhishek Bansal for
Mr. Alok Garg
Ms. Brahmi Jain &
Mr. Anukram Singh for
Mr. Amit Jindal
Mr. Ramesh Chandra Jangid for
Mr. Harish Agrawal
Mr. Ashish Kumar
Mr. Mohit Balwada
Mr. Ashwani Gupta
Mr. Sundram Sharma for

Ms. Sukriti Kasliwal
Mr. Lalit Bhardwaj for
Mr. Samit Bishnoi

HON'BLE MR. JUSTICE SAMEER JAIN

Order

26/05/2026

1. Learned counsel for the petitioners submit that in the backdrop of the Tribunal Reforms Act, 2021, which abolished the Intellectual Property Appellate Board (IPAB), the words “tribunal” where they occur in Section 57 of the Trade Marks Act, 1999 have been substituted with the words “Registrar or the High Court, as the case may be” and the words “Appellate Board”, where they occur in Section 57 have been substituted with the words “High Court”. It is submitted that the governing statute does not restrictively limit the territorial jurisdiction of the High Court in this specific context.

2. In light of the aforesaid background, it is submitted that concurrent jurisdiction to entertain the rectification applications is now vested in both the Registrar of Trade Marks and the respective High Court. It is next submitted that the principle of *forum conveniens* squarely applies in the matter at hand, and therefore, if a cause of action for rectification arises within the territorial limits of this Court, the application can be entertained herein without relegating the parties elsewhere.

3. *Per contra*, learned counsel appearing on behalf of the respondent-Union of India, representing the Registrar of Trade Marks, raised a strong preliminary objection regarding the maintainability of the present petitions. It is submitted that

rectification application must first be filed before the concerned Registrar, being the original authority that passed the foundational registration order. It is further submitted that filing the rectification application straightaway before the High Court is legally untenable, when the High Court has not passed the initial order in the matter.

4. Learned counsel for the respondents placed reliance upon the provisions enshrined under Section 91 of the Act of 1999 and submit that a harmonious reading of Section 57 and Section 91 demonstrates that the Registrar remains the authority of first instance, and the High Court exercises its jurisdiction primarily as an appellate forum, and therefore, straightaway filings of the rectification applications before this Court are not maintainable.

5. Raising objection regarding the territorial jurisdiction, it is submitted that even if a writ petition is deemed maintainable before a High Court, the competent forum to file the same would be the High Court of Gujarat at Ahmedabad, taking into account the situs of the Trade Marks Registry under the erstwhile Trade Marks Act, 1940.

6. However, Mr. Prakhar Agarwal, learned *amicus curiae*, strongly refuted the aforesaid preliminary objections raised by the respondents. It is argued that for the purposes of the Trade Marks Act, the situs of the Registrar's office extends to the territory of Rajasthan. It is submitted that it would be an absurd and unjust proposition to force the litigants to travel and be relegated to the High Court of Gujarat, particularly when neither of the contesting parties resides nor carries out business in the State of Gujarat. The learned *amicus curiae* apprised the Court that the

representations have already been submitted to the authorities to resolve this academic jurisdictional anomaly by transferring the respective office/jurisdiction of the Registrar of Trade Marks to the State of Rajasthan.

7. The present batch of matters is **admitted** and the same is marked as **part-heard**.

8. List these matters on 29.06.2026 in the supplementary cause list before this Court.

(SAMEER JAIN),J