

OCD-8

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/9/2024

(OLD NO. CS/133/2010)

IN

CS-COM/639/2024

IN THE MATTER OF:
M/S.SHAMBHU NATH & BROTHERS & ORS.
VERSUS
JAI RAJENDRA IMPEX PVT. LTD. & ORS.

BEFORE:

The Hon 'ble JUSTICE BIVAS PATTANAYAK

Date: 13th August, 2024.

Appearance:
Mr. Debnath Ghosh, Adv.
Mr. Gautam Kumar Ray, Adv.
Mr. Tin Kari Jana, Adv.
Mr. Gopal Das, Adv.
Mr. Sourav Jana, Adv.
For plaintiffs
Mr. Sarosij Dasgupta, Adv.
Mr. Atish Ghosh, Adv.
For defendant no.1

The Court:- This is an application seeking leave to disclose and rely upon the document mentioned in Annexures "X-1", "X-2", "X-3", "X-4", "X-5", "X-6", "X-7", "X-8", "X-9", "X-10", "X-11", "X-12", "X-13" and "X-14" respectively.

Mr. Sarosij Dasgupta, learned advocate for defendant no.1 submits that his client will not file affidavit-in-opposition.

Mr. Debnath Ghosh, learned advocate appearing for plaintiffs-applicants submits that the documents which the plaintiffs intend to rely on are certified copies obtained from Trade Marks Registry in connection with said mark "TOOFAN" in Telugu script registered in favour of defendant no.1 under no. 1505280. The aforesaid documents are relevant and necessary for proper adjudication of the issue.

He seeks order in terms of prayer (a) of the Notice of Motion.

Mr. Dasgupta, learned advocate appearing on behalf of defendant no.1 leaves the matter to the discretion of the Court.

This suit is one of passing off action and relates to exclusive rights of the petitioner in respect of trade mark "TOOFAN" for electrical fans. It is categorically stated in the application that after going through the affidavit of the defendant no.1, the petitioners came to learn that the documents filed with the affidavit have been obtained from the original documents lying before the Trade Marks Registry at Chennai. Subsequent thereto the petitioner applied for and obtained the certified copies of all the documents lying in the Trade Marks Registry in connection with the mark "TOOFAN" in Telugu script registered in favour of the defendant no.1 under No. 1505280, which is annexed and marked as "X-1", "X-2", "X-3", "X-4", "X-5", "X-6", "X-7", "X-8", "X-9", "X-10", "X-11", "X-12", "X-13" and "X-14" respectively. The documents sought to be relied upon by the plaintiffs are relevant and necessary for adjudication of the issue involved in the present suit.

In view of the aforesaid and the averments made in the application,
let there be an order in terms of prayer (a) of the Notice of Motion.

GA-COM/9/2024 stands disposed of.

(BIVAS PATTANAYAK, J.)

Sb/