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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 88/2024**
MEHBOOB AHMAD

..... Appellant
Through: Mr.J.Sai Deepak, Mr.S.K.Bansal,
Mr.Ajay Amitabh Suman, Mr.Aviral
Srivastava and Mr.Luv Virmani,
Advocates.

versus
MUNEER AHMAD & ANR.

..... Respondent
Through: Mr.Harish Vaidyanathan Shankar,
CGSC, Mr.Srish Kumar Mishra,
Mr.Alexander Mathai Paikaday and
Mr.Krishnan V, Advocates for R2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER
01.02.2024

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CM APPL. 5966/2024

1. Exemption is allowed, subject to just exceptions.
2. The application stands disposed of.

LPA 88/2024 CM APPL. 5961/2024 CM APPL. 5962/2024 CM APPL. 5963/2024 CM APPL. 5964/2024 CM APPL. 5965/2024

3. The appellant has filed present appeal impugning an order dated 17.11.2023 (hereafter '**the impugned order**') passed by the learned Single Judge in C.A.(COMM.IPD-TM) no.20/2023 captioned ***Muneer Ahmad v. Registrar of Trade Marks.***
4. The appellant is essentially aggrieved as in terms of the impugned order, the Registrar of Trademarks has been directed to issue certificate of registration incorporating the date of user of the mark by the appellant after



considering the affidavit and material furnished by the petitioner in the said case (arrayed as respondent no.1).

5. It is the case of the appellant that no such direction could be issued as the application could not be advertised earlier. Thus, the Registrar is now required to advertise the application and hear the objections, if any.

6. Mr.J.Sai Deepak, the learned counsel appearing for the appellant submits that an entire stage of trademark adjudication is being skipped, by depriving a third party of its right to object.

7. The learned counsel for respondent no.2 also supports the aforesaid contention of the appellant. He submits that the question whether an advertisement could be dispensed with, was a matter required to be examined by the Registrar.

8. Issue notice. The learned counsel for respondent no.2 accepts notice. Notice shall go to respondent no.1 through speed post and ordinary process returnable on next date.

9. *Prima facie* the contentions advanced on behalf of the appellant and respondent no.2 are merited. In view thereof, the operation of the impugned order is accordingly stayed till the next date of hearing.

10. List on 18.03.2024.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 01, 2024

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Click here to check corrigendum, if any