



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/LETTERS PATENT APPEAL NO. 10 of 2024**  
**In**  
**R/CIVIL APPEAL NO. 18 of 2023**  
**With**  
**CIVIL APPLICATION (FOR STAY) NO. 1 of 2024**  
**In**  
**R/LETTERS PATENT APPEAL NO. 10 of 2024**

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**PIRUZ KHAMBATTA**

**Versus**

**DEPUTY REGISTRAR OF TRADEMARKS**

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Appearance:

MR MIHIR THAKORE, SR ADVOCATE with MR JATIN Y  
TRIVEDI(2616) for the Appellant(s) No. 1  
for the Respondent(s) No. 1,2

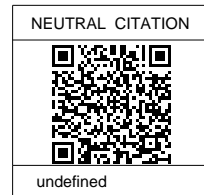
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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS.**  
**JUSTICE SUNITA AGARWAL**  
and  
**HONOURABLE MR. JUSTICE ANIRUDDHA P.**  
**MAYEE**

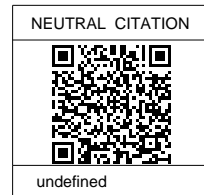
**Date : 15/01/2024**

**ORAL ORDER**  
**(PER : HONOURABLE THE CHIEF JUSTICE MRS.**  
**JUSTICE SUNITA AGARWAL)**

1. To challenge the findings returned by the learned Single Judge in dismissing the appeal filed under Section 91 of the Trade Marks



Act, 1999 (*for short*, “*the Act, 1999*”), it is sought to be argued by Mr. Mihir Thakore, learned senior counsel, assisted by Mr. Jatin Trivedi, learned advocate appearing for the appellant that registration of two trade marks with the words: “Rasana” and “Rasna” under the Act, 1999 was got by the appellant in the year 1979 and 1986; respectively. It is submitted that the learned Single Judge has erred in holding that both trade marks namely: “Rasana” and “Rasna” got by the appellant and the respondent; respectively, are not similar. It is an admitted fact of the matter that the appellant is using the trade mark with the word: “Rasna” in all its products. The submission, however, is that the word: “Rasana” was also a registered trade mark of the appellant since the year 1979, is not substantiated by any material on record except the notification issued under the Trade Marks Act, which does not give detail with regard to the goods or services for which the trade mark with the word: “Rasana” was got registered. It seems that before the learned Single Judge, though it was argued that the appellant is a proprietor of various well-known trade marks including the trade mark with words: “Rasna”, “Rasana”, “Russ”, etc., but the copy of the



Registration Certificate carrying the details with regard to registration of trade mark with the word: “Rasana” has not been brought on record of the appeal before the learned Single Judge. On this issue pointed out by this Court, the learned senior counsel appearing for the appellant prays for and is granted adjournment for the day to enable him to bring before the Court the Registration Certificate of registration of the word: “Rasana” as trade mark of the appellant.

2. We also propose to examine the issue of maintainability of the instant appeal having been preferred against the order of the learned Single Judge arising out of the order of the Deputy Registrar under the Trade Marks Act, 1999.

3. As prayed, put up this matter on **30<sup>th</sup> January 2024**.

**[ Sunita Agarwal, CJ . ]**

**[ Aniruddha P. Mayee, J.]**

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