

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: C.R.P.No.199 of 2022

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
02.	09.02.2022	<p><u>CPK, J & Dr. KMR, J</u></p> <p><u>C.R.P.No.199 of 2022</u></p> <p>Notice before admission.</p> <p>Learned counsel for the petitioner is also permitted to take out personal notice to the respondents by Registered Post with Acknowledgment Due and file proof of service in the Registry.</p> <p><u>I.A.No.1 of 2022</u></p> <p>The short point that arises for consideration is when two trademarks registered by two parties are in dispute, the proper course for filing the suit would be at the place where the defendant carries on business. In support of his plea, learned counsel for the petitioner relies on the judgments of Delhi High Court in <i>LT Foods Limited v. Heritage Foods (India) Limited</i> (2013 SCC Online Del 4655), <i>Shri Krishan Industries v. Kimti Lal Sharma</i> (2009 SCC Online Del 286) and also the judgment of the Gauhati High Court in <i>Vijay Industries v. Vijay Solvex Ltd</i> ((2014) Gauhati Law Reports 688). Learned counsel brings to the notice of the Court the judgment of the Hon'ble Supreme Court in <i>Dahiben v. Arvindbhai Kalyanji Bhanusali (Gajra) Dead through legal representatives</i> ((2020) 7 SCC 366) in support of his plea.</p> <p>As the issue requires consideration, there shall be interim stay of all further proceedings in C.O.S.No.2 of 2021 on the file of the Court of the Special Judge for Trial and Disposal of Commercial Disputes, Visakhapatnam, for a period of three (3) weeks.</p> <p>List on 02.03.2022.</p> <p style="text-align: right;">_____ CPK, J</p> <p style="text-align: right;">_____ Dr. KMR, J</p> <p><u>Note</u>: Issue CC tomorrow (B/o). Ivd</p>	

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