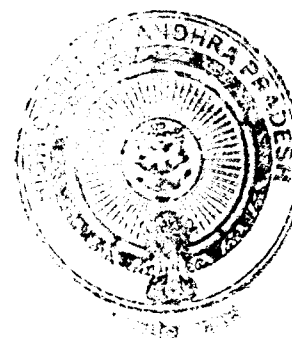


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE NINTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR
AND
THE HONOURABLE DR. JUSTICE K MANMADHA RAO



IA No. 1 OF 2022
IN
CRP NO: 199 OF 2022

Between:

Tata Consultancy Services Limited, (A Company Registered under Companies Act, 1956) Having its Regd. Office at Nirmal Building, 9th floor, Nariman point, Mumbai, Maharashtra, Pin 400021, India Rep by its Authorized Signatory,
 Mr.Madhav Anshan, Age: Adult, Occ: Service,
 Tel: 022-67789069
 Email Id: madhav.anchan@tcs.com

...Petitioner/Petitioner/Defendant
 (Petitioner in CRP 199 OF 2022
 on the file of High Court)

AND

1. Mr.Vuppu Kanaka Raju, S/o.V.Satyanarayana, aged about 46 years, Occ: Business, Residence at Door No.10-2-9/2, Admin Chamber, Hotel Meena Paradise Building, Beside Dr.Muddu Krishna Hospital, Old Gajuwaka Junction, Visakhapatnam - 530026
2. M/s. IONS COMMUNICATIONS, A Partnership Firm, Rep. by its Partner MR. VUPPU KANAKA RAJU, S/o. V.Satyanarayana, aged about 46 years, Having its Regd. Office at Door No.10-2-9/2, Admin Chamber, Hotel Meena Paradise Building, Beside Dr.Muddu Krishna Hospital, Old Gajuwaka Junction, Visakhapatnam - 530026.
3. M/s. IONS INSTITUTE OF ADVANCED TECHNOLOGY (A Proprietorship Firm), Rep. by MR. VUPPU KANAKA RAJU, S/o. V.Satyanarayana, aged about 46 years, Residence at Door No.10-2-9/2, Admin Chamber, Hotel Meena Paradise Building, Beside Dr.Muddu Krishna Hospital, Old Gajuwaka Junction, Visakhapatnam – 530026.

...Respondents/Respondents/Plaintiffs
 (Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in COS No.2/2021 on the file of the Court of the Special Judge for Trial Disposal of Commercial Disputes at Visakhapatnam, pending disposal of CRP No.199 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri Venkat Reddy Donthi Reddy, Advocate for the Petitioner, the Court made the following.

ORDER:

“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 *LT foods limited v. Heritage foods (India) Kimited* (2013 SCC Online Del 4655), *Shri Krishan Industries v. Kimti Lal Sharma* (2009 SCC Online Del 286) and also the judgment of the Gauhati High Court in *Vijay Industries v. Vijay Solvex Lts* ((2014 Gauhati Law Reports 688). Learned counsel brings to the notice of the Court the judgment of the Hon’ble Supreme Court in *Dahiben v. Arvindbhai Kalyanji*

Bhanusali (Gajra) Dead through legal representatives ((2020) 7 SCC 366) in support of his plea.

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.

List on 02.03.2022."

//TRUE COPY//

**SD/- K.TATA RAO
DEPUTY REGISTRAR**

**SECTION OFFICER
FCI ASSISTANT REGISTRAR**

To,

1. The Special Judge for Trial Disposal of Commercial Disputes at Visakhapatnam
2. Mr.Vuppu Kanaka Raju, S/o.V.Satyanarayana, Residence at Door No.10-2-9/2, Admin Chamber, Hotel Meena Paradise Building, Beside Dr.Muddu Krishna Hospital, Old Gajuwaka Junction, Visakhapatnam - 530026
3. The Partner MR. VUPPU KANAKA RAJU, S/o. V.Satyanarayana, M/s. IONS COMMUNICATIONS, A Partnership Firm, Having its Regd. Office at Door No.10-2-9/2, Admin Chamber, Hotel Meena Paradise Building, Beside Dr.Muddu Krishna Hospital, Old Gajuwaka Junction, Visakhapatnam - 530026.
4. Mr. Vuppu Kanaka Raju, S/o. V.Satyanarayana, M/s. IONS INSTITUTE OF ADVANCED TECHNOLOGY (A Proprietorship Firm), Residence at Door No.10-2-9/2, Admin Chamber, Hotel Meena Paradise Building, Beside Dr.Muddu Krishna Hospital, Old Gajuwaka Junction, Visakhapatnam – 530026. (Addresses 1 to 3 by RPAD- along with a copy of petition and memorandum of grounds)
5. One CC to Sri. Venkat Reddy Donthi Reddy, Advocate [OPUC]
6. Two spare copies

MM

HIGH COURT

**CPKJ
&
DRKMRJ**

DATED:09/02/2022

NOTE: LIST ON 02.03.2022

ORDER

**IA No. 1 OF 2022
IN
CRP NO: 199 OF 2022**

INTERIM STAY

