

**INTELLECTUAL PROPERTY APPELLATE BOARD**  
Guna Complex Annexe-I, 2nd Floor, 443 Anna Salai,  
Teynampet, Chennai-600018

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(CIRCUIT BENCH SITTING AT AHMEDABAD)

**ORA/158/2013/TM/AMD AND  
M.P.NO.205/2014 IN ORA/158/2013/TM/AMD**

**(THURSDAY THIS THE 17<sup>th</sup> DAY OF DECEMBER, 2015)**

**HON'BLE SHRI. JUSTICE K.N.BASHA** ... **CHAIRMAN**  
**HON'BLE SHRI SANJEEV KUMAR CHASWAL** ... **TECHNICAL MEMBER**  
**(TRADE MARKS)**

1. Mr.Dhanesh P. Chhajer,  
Adult, Indian, Occupation: Business,  
A sole Proprietor of  
M/s Kanika Synthetic Mills,  
Having address at  
279, 1<sup>st</sup> floor, New Cloth Market,  
Out side Raipur Gate,  
AHMEDABAD 380 002.  
Gujarat State, India.

... Applicant

(Represented by Mr. Rajendra H. Bhansali)

1. Mr Jagdeep Kumar Ralduram Agrawal,  
Adult, Indian, Occupation: Business,  
A sole Proprietor of  
M/s Tanushree Silk Mills,  
having address at  
C-2087-2088, Upper Ground Floor,  
Millennium Textile Market, Ring Road,  
SURAT 395 002.  
Gujarat State, India.

2. The Registrar of Trade Marks,  
Trade Marks Registry,  
15/27, National Chambers,  
Ashram Road,  
AHMEDABAD 380 009.  
Gujarat State, India.

... Respondents

(None represented)

**ORDER (No.222/2015)**

**Hon'ble Justice K.N.Basha, Chairman:**

Mr. Rajendra H. Bansali, the learned counsel for the applicant is present.

The first respondent has sent a written communication to the Registry dated  
30/11/2014 along with the original certificate of impugned

trade mark No.1764397 stating that they are not inclined to pursue the legal battle and further stating that they are not using the brand “KANIKA” and it is also stated that this Bench can pass suitable order.

2. It is seen that in spite of withdrawing the registration before the Registrar of Trade Marks, the first respondent sent the original certificate of registration to this Bench. However, considering the request made by the first respondent and also considering the categorical statement to the effect that they are not using the impugned trade mark “KANIKA” under registration No.1764397 we are directing the registry to forward this original certificate of registration to the Registrar of Trade Marks, Trade Marks Registry, Ahmedabad along with our order directing the 2<sup>nd</sup> respondent the Registrar of Trade Marks to remove the impugned trade mark “KANIKA” Trade Mark No.1764397 dated 16/12/2008 from the register of trade marks within a period of three weeks from the date of receipt of copy of the order along with the original certificate of registration as stated above. Accordingly ORA is hereby allowed.

**(SANJEEV KUMAR CHASWAL)**  
**TECHNICAL MEMBER**

**(JUSTICE K.N.BASHA)**  
**CHAIRMAN**

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