

Serial No. 1
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP. No. 12 of 2018

Date of Order: 28.08.2018

Megha Cashew Pvt Ltd. Vs. B.R.Industries.

Coram: Hon'ble Mr. Justice S.R.Sen, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K.Paul, Adv.

For the Respondent(s) :

Heard Mr. K.Paul, learned counsel on behalf of the petitioner who submits that under ***The Trade Marks Act, 1999, Section 134***: “*Suit for infringement, etc., to be instituted before the District Court*” and also pointed out to ***2006 (2) GLT 828 Neepco – Vs- S.Marbaniang*** page 833 paragraph 8.

I have perused the said provision of law and agree with the learned counsel that Assistant to DC has no jurisdiction except District Court. However, I am not passing any elaborate order at this stage.

Let the notice be issued. Petitioner counsel to take necessary steps to serve notice upon the respondents immediately.

In the meantime, the proceedings of T.S. No. 1/2018 is hereby stayed till the next date.

List the matter after 2(two) weeks for appearance and hearing as the goods seized are perishable in nature.

(S.R.Sen)
JUDGE

Meghalaya
28.08.2018
"S.Rynjah PS"