

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Suit No. 272 of 2013**

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Order with signature of Judge(s)

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1. For orders on CMA No.13155/2018 (U/A)
2. For orders on CMA No.7706/2016 (U/O VII Rule 17)
3. For orders on CMA No.7707/2016 (U/O XXXIX Rule 1 & 2)

**25.09.2018**

Mr. Muhammad Sajjad Abbasi, Advocate for the Plaintiff  
Mr. Salim Ghulam Husein, Advocate for Defendant No.1

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Urgency granted. With notice to all concerned to come up on  
11.10.2018.

Learned counsel for Defendant No.1 points out that the suit is not maintainable against the Registrar Trademarks, the prayer made against the said defendant is not maintainable, as it is intrusion in legal functions of the Registrar, who is mandated to register trademark as per law by following the procedure prescribed. It appears that Plaintiff had a registered trademark, whereas deceptively similar application was allowed by the Registrar, which was advertised however no opposition was filed and the mark proceeded to registration, however, in the interim a rectification was moved and through the instant suit a prayer is made that the Registrar be restrained from any further actions leading to the registration of the said trademark. No such prayer could be allowed under Section 56 of the Specific Relief Act, 1877, as well as, remedy will be available to the Plaintiff to file an application for invalidation, once the mark is registered. Accordingly, the plaint is struck off against Defendant No.1.

JUDGE