

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

T.M.S.A.No.4 of 2000
and
C.M.P.No.16332 of 2000

Haji Latif Gani Kachhi ... Appellant

-vs-

Sangishetty Ramulu ... Respondent

Trade Marks Second Appeal filed under Section 109(5) of Trade & Mechandise Marks Act, 1958 read with Section 100 CPC, against the order dated 28.07.1999 passed in T.M.A.No.8 of 1998 on the file of this Court.

For Appellant : Mr.Sathish Parasaran

For Respondent : Mr.A.Abdul Rahim

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

On 06.11.2000, when this appeal came for admission, a direction was passed to post it before another Bench. In terms of order dated 13.11.2000, by the then Hon'ble Chief Justice, it was directed to be posted before the Second Bench and the appeal was, accordingly, posted and was admitted by order dated 15.11.2000.

2. Thereafter, neither the Registry appears to have posted the appeal nor the appellant took any steps for posting of the appeal till it was somehow listed on 22.08.2006, when none appeared and the matter was posted for dismissal for non-prosecution on 23.08.2006, on which date a counsel represented and at his request, the matter was directed to be posted on 31.08.2006. Learned counsel for the appellant requested for adjournment on 31.08.2006, 26.09.2006, 17.10.2006, 20.12.2006, 18.01.2007 and 28.03.2007. Thereafter also, the matter disappeared from the list with no interest being shown.

3.It is obvious from the lapse of 15 years that the appellant has lost interest, as even the learned counsel for the appellant is not receiving instructions. We may note that there are concurrent findings on rejection of objection by two forums.

4.Appeal is, thus, dismissed for non-prosecution. Consequently, C.M.P.No.16332 of 2000 is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Registrar of Trade Marks,
Chennai.
2. The Record Keeper, V.R.Section,
Madras High Court, Chennai.

+1cc to Mr.Sathish Parasaran, Advocate, S.R.No.22623

T.M.S.A.No.4 of 2000

SV(CO)
CA(13/05/2015)

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