

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2103 OF 2014

CTR Manufacturing Ind Ltd., Pune Petitioner

V/s.

The Union of India & Ors. Respondents

Mr. Himanshu Kane a/w. Mr. Amit Jajoo and
Ms. Poorva Pant, i/by M/s. PKA Advocates, for the
Petitioner.

Ms. S.V. Bharucha for Respondent Nos.1 to 3.

Mr. Jehangir Jejeebhoy, i/by M/s. Bharucha &
Partners, for Respondent No.4.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 4TH MAY, 2016.

P.C. :

1. By this Petition, under Article 226 of the Constitution of India, the Petitioner seeks a writ of certiorari or any other appropriate writ, order or direction calling for records relating to issuance of a Notice dated 18th March 2014 posting hearing of the 'post grant opposition proceedings' on 22nd April 2014.

2. The only contention raised before us by Mr. Kane, learned counsel appearing for the Petitioner, is that the Controller should have noted that the Petitioner-Company has filed a Miscellaneous Petition and unless and until any orders are passed on the said Miscellaneous Petition, the main matter should not have been taken up. The impugned notice does not indicate as to what will be fate of the Miscellaneous Petition.

3. After having heard both sides and finding that there is an agreement to decide the Miscellaneous Petition first and thereafter take up the main matter, we dispose of the present Petition with a direction to the Controller of Patents & Design-Respondent No.2 to the effect that, even if he has posted the main matter or posts it in future for hearing, let him first take up the Miscellaneous Petition and pass appropriate order thereon and thereafter proceed with the main matter. Both sides are agreed that if this order is maintained, they would have no objection to the Controller of Patents & Design-Respondent No.2 passing final orders on the main matter pending before it.

4. In such circumstances, this Writ Petition need not be kept pending and the same is disposed of with above directions.

5. Needless to clarify, that since the proceedings are pending for a long time, the Controller of Patents & Design-Respondent No.2 shall endeavour and dispose it of expeditiously.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]