

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**APPEAL NO.257 OF 2010
IN
NOTICE OF MOTION NO.2642 OF 2007
IN
SUIT NO.1956 OF 2007**

Reed Elsevier Properties Inc.
Mumbai & Anr. ... **Appellants**
V/s.
Best Media Associates (India)
Pvt. Ltd., Mumbai ... **Respondent**

**WITH
APPEAL NO.134 OF 2010
IN
NOTICE OF MOTION NO.1566 OF 2009
IN
NOTICE OF MOTION NO.2642 OF 2007
IN
SUIT NO.1956 OF 2007**

Best Media Associates (India)
Pvt. Ltd., Mumbai ... **Appellant**
V/s.
Reed Elsevier Properties Inc.
Mumbai & Anr. ... **Respondents**

.....
Mr.Ashish Kamat with Bindiya Raichura i/b. Mulla & Mulla & CBC,
Advocate for the Appellants in APP/257/2010 and for
Respondents in APP/134/2010.

None for the Respondent in both Appeals.

....

**CORAM : V. M. KANADE &
A. M. BADAR JJ.**

DATED : 19th June 2017.

P.C.

1 Heard Shri.Kamat, the learned counsel appearing on behalf of the appellants in Appeal No.257 of 2010. This appeal is filed by the appellants/original plaintiffs challenging the order passed by the learned Single Judge refusing to grant injunction on passing of the Trademark. None appears on behalf of the respondent. Even on the last date neither the respondent nor his counsel was present.

2 We, therefore, as a last chance grant two weeks' time and if the respondent did not respond, the matter will be heard ex-parte.

3 So far as Appeal No.134 of 2010 is concerned, it is filed by the original defendant challenging the impugned order passed by the learned Single Judge, who was pleased to grant an order of injunction restraining them from using the said Trademark. The said appeal was called out in the last week on 13th June 2017. Shri.Kamat, the learned counsel appearing on behalf of respondents therein submits that they have informed the attorney appearing on behalf of appellant therein and even though sufficient notice of proceedings was given to the appellant, none appeared on behalf of the appellant.

4 It is apparent that the appellant is not keen to pursue the appeal. Appeal No.134 of 2010, therefore, is dismissed for want of prosecution.

5 Time to carry out amendment, which is granted to the appellants in Appeal No.257 of 2010, is extended by two weeks.

6 Place the Appeal No.257 of 2010 on board on 3rd July 2017.

(A. M. BADAR J.)

(V. M. KANADE J.)