

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 3095 of 1999 (O & M)

Date of decision: 09.01.2017

M/s. A.S. Chanae & Brothers, Ludhiana

....Petitioner(s)

Versus

M/s. Chanae International, Ludhiana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms. Ramneeq Kaur, Advocate,
for Mr. Sumeet Mahajan, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

The present appeal has been filed by the plaintiff-appellant against the interim order dated 08.09.1999 wherein, the Additional District Judge, Ludhiana decided the application under Order 39 Rules 1 and 2 CPC and directed the maintenance of the status quo regarding the use of the 'Chanae' trade mark in respect of the goods till the decision of the suit. The appellant, thus, seeks the complete injunction which had been prayed for in the application.

The original file was destroyed during the fire which had taken place in the premises of the High Court and the file has accordingly been reconstructed thereafter.

Counsel for the appellant had taken time to supply the complete address of respondent no. 1 and points out that she has no fresh instructions from the appellant. As noticeable, the suit was of 1996 and the impugned order was passed in the year 1999. A period of more than 17 years has gone by. It is, thus, apparent that the appeal itself has been rendered infructuous by the efflux of time since the main suit would have been decided by now.

Accordingly, the present appeal is disposed of as such.
However, liberty is given to file an application if the facts are found otherwise.

09.01.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No