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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 1566/2016**

KING POINT ENTERPRISES CO LTD Plaintiff

Through: None.

versus

ALI ASGAR & ORS Defendants

Through: Mr Hrishikesh Baruah, Ms Radhika Gupta and Ms Kshitij Paliwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.04.2017**

1. Issues in the present petition were framed on 27.10.2016 and the parties were directed to file list of witnesses within a period of two weeks and the affidavit of witnesses within a period of four weeks from the said date. The matter was, thereafter, listed before the learned Joint Registrar on 01.12.2016. On the said date, the plaintiff sought more time to file its list of witnesses and the final opportunity was granted to the plaintiff to do so within a period of two weeks. The plaintiff was granted further four weeks time to file the evidence by way of affidavits.

2. The suit was again listed in court on 21.12.2016 on which date the learned senior counsel appearing for the plaintiff had stated that an application had been filed for placing the correct documents from the trademark registry but the same was not on record.

3. However, the plaintiff did not file list of witnesses or the evidence by way of affidavits even during the extended time. On the next date of hearing - that is, 03.03.2017 - none appeared for the plaintiff and the hearing was adjourned to 06.03.2017. The matter could not be taken up on 06.03.2017 and was deferred to 23.03.2017. In the meanwhile, the matter was listed before the Joint Registrar on 16.03.2017. None appeared for the plaintiff on the said date and the learned Joint Registrar deferred the proceedings to 29.03.2017.

4. On 23.03.2017, learned counsel for the plaintiff stated that he had instructions to withdraw his *vakalatnama* and sought a discharge. In the interest of justice, the suit was again deferred for today. None has appeared for the plaintiff today. None had appeared before the Joint Registrar on 29.03.2017 as well. The plaintiff has also not filed the evidence by way of affidavits or the list of witnesses.

5. In the circumstances, it is apparent that the plaintiff is not interested in pursuing the present petition. The same is dismissed in default as well as for non-prosecution.

6. The interim order passed stands vacated. All the pending applications are also disposed of.

VIBHU BAKHRU, J

APRIL 18, 2017
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