

None for Plaintiff.
Ms. Debashree Dey i/by M/s. Desai and Diwanji, for Defendants.

DATE: 30th JULY, 2018

1. On 25th July, 2018 this Court passed the following order :

“1. The Petition is placed at the instance of the Registry. It is under the old Trade and Merchandise Marks Act, 1958 and challenges an order and decision of Assistant Registrar of Trade Marks passed on 21st February, 1979. Since it is registered as Miscellaneous Petition, it is placed before me. It actually pertains to the assignment of another Court.

2. *The Petition needs to be re-registered correctly as an Application or a Suit under the Trade and Merchandise Marks Act 1958.*

3. *The Registry will take the necessary steps.*”

2. Accordingly the Miscellaneous Petition No.1149 of 1979 is converted into and renumbered as Commercial IP Suit No.1 of 1979. Today the same is placed on board 'For Directions'. None appear for the Plaintiff. In view thereof, stand over to 30th July, 2018. A copy of this order shall be served by the Advocate for the Defendants on the Advocate for the Plaintiff – M/s. Matubhai Jamietram and Madan, Solicitors and also on the Plaintiff at her address shown in the Plaint i.e. M/s. Salamax Exports International, at 117, 1st floor, Jolly Bhavan No.1, 10, New Marine Lines, Mumbai – 400 020 by hand delivery. It is clarified that if the Plaintiff fails to appear before this Court on 30th July, 2018 by herself and/or through her Advocate and/or her representative, the Court shall be constrained to dismiss the above Suit for want of prosecution.”

2. The Advocate for the Defendants have filed an Affidavit dated 30th July, 2018 stating that the firm M/s. Mathubhai Jamietram and Madan, who were the Advocates for the Plaintiff, has been dissolved and the new firm by name M/s. Mathubhai Jamietram and Associates is not handling the captioned matter. An attempt was also made to serve the Plaintiff at her last known address i.e. 117, 1st Floor, Jolly Bhavan No.1, 10, New Marine Lines, Mumbai – 400 020. However, the said Office has been shifted to some other place not known to the Defendants and their Advocates. In view thereof, the above Suit is dismissed for want of prosecution.

(S.J.KATHAWALLA,J.)