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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.293 OF 2016

M/s. Jawed Habib Hair And Beauty Ltd.

....Petitioner

vs

M/s. Sharda Enterprises And Anr.

...Respondents

.....

Ms. Pritam D. Joshi, for the Petitioner.

.....

CORAM : S.C. GUPTE, J.

DATED: 10 DECEMBER, 2018

P.C.:

. Learned Counsel for the Petitioner informs the Court that this petition, filed under Section 9 of the Arbitration and Conciliation Act, 1996, may not survive, since the Respondents have stopped using the Petitioner's trademark, which was a matter of dispute between the parties, and which had prompted the Petitioner to apply for protective reliefs in the present arbitration petition. Since the Respondents have stopped making use of the trademark, the cause of action does not survive. There is nothing for the Petitioner to take before any arbitral forum. The petition is, accordingly, disposed of as not pressed. The Petitioner, however, will be at liberty to apply for fresh reliefs in case any use of the offending mark on the part of the Respondents is observed in future.

(S.C. GUPTE, J.)