

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23562 of 2005
and
W.M.P.No.25719 of 2005

Jagdish Pershad Ladda

..Petitioner

vs

1.Mr.K.Ganesh Nadar,
Prop:Shanker Sai Consumer Products,
3-38/3, Angalakuduru,
Tenali 522 211,
Guntur District,
Andhra Pradesh.

2.The Assistant Registrar of Trade Marks,
Trade Marks Registry,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to order dated 06.05.2005 passed by the second respondent in opposition No.MAS-130949 to application No.1039973 in class 3 and quash the same.

For Petitioner : Mr.P.Subba Reddy

For Respondents: Mr.T.V.Krishnamachari
SPCCG for R2
No appearance for R1

O R D E R

The order dated 06.05.2005 passed by second respondent in opposition No.MAS-130949 to application No.1039973 in class 3 and quash the same in the present writ petition.

2. The writ petition was filed on the ground that during the relevant point of time the Intellectual Property Appellate Board was not functioning for want of Presiding Officers. The writ petitioner had originally filed an appeal before the Intellectual Property Appellate Board, Chennai which was

numbered as O.A.No.31/2005/TM/CH on 06.05.2005 along with Appeal Miscellaneous Petition No.52 of 2005 had also been filed for interim orders. In view of the fact that the Intellectual Property Appellate Board was not functioning, the petitioner was constrained to move the High Court by way of the present writ petition.

3. The learned counsel for the second respondent now brought to the notice of this Court that during the pendency of the writ petition, Presiding Officers were appointed and the Board adjudicated the O.A.No.31/2005/TM/CH filed by the writ petitioner and passed an order dated 27.04.2006 rejecting the claim of the writ petitioner. The order passed by the Intellectual Property Appellate Board on 27.04.2006 became final and the copy of the order is produced before this Court. This being the factum of the case, no further adjudication needs to be entertained in respect of the grounds raised in the present writ petition and as the same has already been adjudicated and the final order has been passed by the Intellectual Property Appellate Board on 27.04.2006.

4. Accordingly, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

pns

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Registrar of Trade Marks,
Trade Marks Registry,
Chennai.

+1cc to Mr.P.Subba Reddy, Advocate, S.R.No.83100.

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