

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.2820 of 2018

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the XXVII Additional Chief Judge, City Civil Court, Secunderabad, in I.A.No.1467 of 2017 in O.S.No.144 of 2017 dated 03.04.2018.

The 1st respondent-plaintiff filed I.A.No.1467 of 2017, under Order 26 Rules 4, 9, 10 and 11 CPC, seeking appointment of an advocate-commissioner to take into custody and make an inventory of all infringing material, including packaging, carton boxes, labels, dyes containing or bearing the registered trademark of the 1st respondent-plaintiff; to take into custody all the raw-material that contains or bears the registered trademark of the 1st respondent-plaintiff; to take into custody all books of accounts, including hard copies and soft copies, computer systems etc; and to break open the lock and seek police assistance, if necessary, in order to implement the Court order. By its order dated 03.04.2018, the Court below appointed an advocate-commissioner to take into custody and make an inventory of all infringing material including packaging, carton boxes, labels, dyes containing or bearing the registered trade mark of the 1st respondent-plaintiff.

Sri Ashok Ram Kumar, Learned Counsel for the 1st respondent-plaintiff, would submit that the advocate-commissioner has already complied with the order of the Court below, and has taken into custody all material on 11.09.2018 itself. Sri Syed Ahmed Ali, Learned Counsel for the petitioner, would submit that, though an interim order was passed by this Court on 30.04.2018,

staying the warrant issued to the advocate-commissioner, and though the said interim order was extended from time to time, the interim order was not extended thereafter for no fault of the petitioner, but only because the Registry had erroneously tagged this revision petition along with CRP No.2236 of 2018; and taking advantage of this fact, the 1st respondent-plaintiff had ensured that the advocate-commissioner took possession of the aforesaid material.

As the order passed by the Court below, in I.A.No.1467 of 2017, has been complied with by the advocate-commissioner, the petitioner must avail his legal remedies thereagainst. It is evident that the cause in this revision does not survive. The Civil Revision Petition is, therefore, dismissed as infructuous. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

Date:20.09.2018.

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(RAMESH RANGANATHAN, J)