

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

109

CR No.3535 of 2021
DATE OF DECISION : 1st FEBRUARY, 2022

Rajendra Munka

.... **Petitioner**

Versus

Anant Vijay Goel Trading As: Asian Wood Industries & others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Namit Khurana, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Article 227 of the Constitution of India, praying for setting aside the impugned order dated 02.12.2021 passed by the learned Additional District Judge, Yamuna Nagar vide which the application under Order 39 Rule 1 and 2 has been decided and no interim relief is granted in favour of the petitioner-plaintiff.

It is submitted by the counsel for the petitioner that the Trade-Mark which was owned by the partnership firm was assigned by the firm to him in his individual capacity.

Notice of motion.

Mr. Ashok Sharma Nabhewala, Advocate accepts notice on behalf of respondents No.3 & 4/caveators.

It is submitted by counsel for respondents No.3 & 4 that the Trade Mark, which the petitioner claims to have been assigned to him in

individual capacity, was never assigned to him by the competent authority. Rather, the said assignment already stands rejected because the members of the partnership firm have not consented to the said assignment. The petitioner has not placed on record any document showing acceptance of assignment by the competent authority.

Since the matter involves disputed question of facts, therefore, this court does not find any illegality or impropriety with the order passed by the court below in not granting the interim order in favour of the petitioner-plaintiff.

In view of the above, the present petition stands dismissed.

1ST FEBRUARY, 2022
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>