

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-2791-1994

Decided on:-23.11.2023

Ipzah Pharmaceuticals Pvt. Ltd. through
its Director

....Appellant..

vs.

Wintrohop Products Inc. 90,
Park Avenue New York, and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the parties.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to the judgment and decree dated 01.06.1994 passed by learned Additional District Judge, Patiala under the Trade & Merchandise Marks Act, 1958, whereby a suit filed under Section 120 thereof, at the instance of appellant-plaintiff against respondents-defendants, seeking declaration primarily with the following relief; (i) declaration sought for by the plaintiff was that the defendants may be restrained from giving threats to them; (ii) to desist from dragging the plaintiff in uncalled for litigation for the use of trade mark Forgesic and for the damages to the tune of Rs.2000/-, stands dismissed.

2. Vide impugned judgment dated 01.06.1994, it was held that the plaintiff never claimed any entitlement to use the said trade mark Fortagesix and further, no injunction as prayed for by the plaintiff could possibly be granted and thus, the claim qua the damages was also declined.

3. Moreover, the present appeal pertains to the year 1994, which

was admitted in the year 1995 and pending consideration for the past almost 28 years. Apparently with the afflux of time, no cause survives by now and may be for this reason, no one has chosen to appear on behalf of either of the parties.

4. In view of the above, the present appeal is dismissed for non-prosecution, however, the parties shall be at liberty to seek its revival in case any of their grievance relating to the dispute in question survive.

23.11.2023
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No