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(T) CMA (TM) No.156 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

Coram

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

(T) CMA (TM) No.156 of 2023

and

(T) CMP (TM) Nos.9 & 10 of 2023

Nalli Duraiswami Saroja (Late),
(Through her son)
Trading as Nalli Weaving Center,
199, Gandhi Road,
Kancheepuram - 1, Tamil Nadu.

.. Appellant

Vs.

1.N.Kuppuswami Chettiar

2.Assistant Registrar of Trademarks
Trademark Registry,
Intellectual Property Building,
G.S.T.Road, Guindy, Chennai - 600 032

..Respondents

Transferred Civil Miscellaneous Appeal Trade Mark Act has been filed under Section 91 [OA/41/13/TM/CH in erstwhile IPR Appellate Board and re-numbered as (T) CMA (TM) No.156 of 2023] of the Trade Marks Act, 1999, in respect of goods or services falling in one class praying to (i) call/summon for the papers and proceedings relating to the present Rectification No.MAS 56415 and the order dated 17.09.2012 passed by



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learned Assistant Registrar/Respondent No.2 be quashed/set aside; (ii) Rectification No.MAS 56415 be dismissed and the Trademark No.366240 be continued to be protected; and (iii) pending the hearing and final disposal of the said appeal, the operation of the impugned order passed by learned Deputy Registrar dated 17.09.2012 in Rectification No.MAS 56415 be stayed and respondent No.2 be stopped/restrained from expunging the registration.

For Appellant : No appearance
Mr.V.Natarajan for VNR Associates

For Respondents : Mr.P.V.Balasubramaniam
for De Penning and De Penning [R1]
Mr.P.G.Santhosh Kumar [R2]

ORDER

The matter is listed under the caption 'for dismissal' today. There is no representation on the side of the appellant once again. As directed by this Court on 05.11.2024, Registry has printed the name of Mr.V.Natarajan, who is representing the learned counsel for the appellant M/s.Delhi Trade Mark Company. Even on the last hearing date, there was no representation on the side of the appellant.



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2. Learned Standing Counsel appearing for first respondent is present. Even on the last hearing date, he was present. The appeal is of the year 2023. It is now inferred that the appellant is not interested in prosecuting the appeal.

Accordingly, this appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

19.11.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm



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ABDUL QUDDHOSE, J

gm

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