



2024:DHC:9733-DB



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 12.12.2024

+ LPA 205/2024 & CM APPL. 14561/2024
MOHSIN DEHLVI PROPRIETOR OF DEHLVI NATURALS
.....Appellant
Through: Ms.Vidhi Jain and Ms.Tanzeela
Farheen, Advs.
versus

SANA HERBALS PRIVATE LIMITED THROUGH ITS
AUTHORIZED REPRESENTATIVE MR MOHD TAHIR
.....Respondent
Through: Mr.M.K. Miglani, Mr.Amit
Tomar, and Mr.Akash Singh,
Advs. for R-1
Mr.Sushil Kumar Pandey, SPC
with Ms.Richa Pandey, Adv.
for R-2/official respondent,
Patent Office Dwarka

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This appeal has been filed under Clause 10 of the Letter Patents against the Order dated 29.01.2024 passed in IA 559/2024 in CS(COMM) 813/2016 by the Learned Single Judge of this Court, seeking consolidation of all the respective connected matters. The appellant is aggrieved by the Impugned Order, as it has observed that the consolidation of the said rectification proceedings is not required.
2. The learned counsel for the appellant submits that by an Order



2024:DHC:9733-DB



dated 12.11.2024 passed in C.O. (COMM.IPD-TM) 201/2022 titled **MOHSIN DEHLVI, TRADING AS DEHLVI NATURALS v. SANA HERBALS PRIVATE LIMITED & ANR.**, a rectification petition filed by the petitioner against the registered trademark of the appellant under Trademark No.717010 in class 05, being rectification petition no.269421 has been directed to be transferred to the High Court to be listed along with C.O. (COMM.IPD-TM) 201/2022. She submits that, therefore, the mark "DEHLVI" would also now be a subject matter of adjudication in the said rectification petition.

3. The learned counsel for the respondent no.1 disputes the above submission. As in any case, this would be a development which is subsequent to the passing of the Impugned Order. In case the petitioner has any remedy, the petitioner may avail of the same in accordance with law.

4. We do not for the present find any infirmity in the Impugned Order.

5. The appeal is accordingly disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 12, 2024/sg/as

Click here to check corrigendum, if any