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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.A.(COMM.IPD-TM) 29/2024, I.A. 9779/2024, I.A. 9780/2024
NORTH SIDE BREWERS PRIVATE LTD Appellant
Through: Mr. John Mathew, Advocate.

versus

THE REGISTRAR OF TRADE MARKS & ORS. Respondents
Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday, Mr.
Krishnan V., Advocates.
Mr. Kapil Wadhwa, Ms. Surya
Rajappan, Ms. Tejasvini, Advocates
for R-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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06.05.2024

I.A. 9778/2024 (delay in filing the appeal)

1. For the grounds and reasons stated therein, the application is allowed and the delay of 125 days in filing the appeal is condoned.

2. Disposed of.

C.A.(COMM.IPD-TM) 29/2024

3. The Appellant had filed trademark application No. 5421814 in Class 32



for the device mark “”. On 25th August, 2023,¹ the Registrar of trademarks deemed the application abandoned under Section 21(2) of the Trademarks Act, 1999 [referred to as ‘the Act’], as the Appellant had not filed counter statement to the notice of opposition, which, according to the records of the trademark registry, was served on the Appellant on 14th January, 2023.

4. Although the Appellant assails the Impugned order, at the same time, they have applied for the subject mark afresh. In light of the above, Mr. John Mathew, counsel for the Appellant, after making some submissions, states that he would like to withdraw the present appeal and continue with the fresh application that he has filed which may be considered on its own merits.

5. In view of the above, the present appeal is dismissed as withdrawn. Needless to say, the fresh application filed by the Appellant shall be dealt and examined on its own merits in accordance with law.

6. Appeal along with pending applications stand disposed of.

SANJEEV NARULA, J

MAY 6, 2024

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¹ Impugned Order