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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.A.(COMM.IPD-TM) 140/2022**

ROMSONS SCIENTIFIC AND SURGICAL INDUSTRIES PVT LTD Appellant

Through: None.

versus

ASST. REGISTRAR OF TRADEMARKS AND ANR Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
13.05.2024

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1. On 22nd March, 2024, the Joint Registrar has submitted the following report, in relation to effecting service on the parties:

“The appellant was served, vide ordinary means on 22.09.2023, as noted in the order dated 31.10.2023. Its Trademark-agent had also been served on 01.03.2024. However the appellant has never appeared, nor removed the deficiencies pointed out long back in the order dated 31.10.2023.

The respondent no. 1 had already appeared through counsel. (Refer: order dated 28.10.2022)

The respondent no. 2 could not be served despite repeated efforts. It was noted in the previous order dated 19.01.2024 that the service report of the respondent no. 2 (at its second address) was that of unserved with the remarks “no such person”. It was also noted in the same order that the counsel for the respondent no. 2 had refused the notice on the ground that “he was no longer representing the respondent no. 2”. Now the latest notice issued to the registered Trademark-agent of the respondent no. 2 for today is also received back unserved with the report of “no such person resides at the given address”. These circumstances clearly depicts that the respondent no. 2 could not be served despite diligent and exhaustive efforts.

Now when neither the appellant is appearing, nor the respondent no.



*2 could be served, it is difficult to proceed further with this petition.
List the matter before the Hon'ble Court on 13.05.2024.”*

2. In light of the above report, it is apparent that both the Appellant and Respondent No. 2 are not interested in contesting the present proceedings. There are no other contact details available with the Registry to serve the parties. All attempts made earlier have been unsuccessful.

3. In view of the above, the present appeal is dismissed in default and for non-prosecution.

SANJEEV NARULA, J

MAY 13, 2024

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