



\$~6 to 9 & 11

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

+ C.O.(COMM.IPD-CR) 739/2022

M/S SACHDEVA AND SONS INDUSTRIES PRIVATE LIMITED
.....Petitioner

Through: None.

versus

M/S MAHAVEER RICE TRADERS AND ANR.Respondents

Through: Mr. Srish Kumar Mishra, Mr.
Alexander Mathai Paikaday, Mr.
Sagar Mehlawat, Advocates.
Mob: 7800932000
Email: hvscgscdhc@gmail.com

7

+ C.O.(COMM.IPD-CR) 742/2022

M/S SACHDEVA AND SONS INDUSTRIES PRIVATE LIMITED
.....Petitioner

Through: None.

versus

M/S MAHAVEER RICE TRADERS AND ANR.Respondents

Through: Mr. Srish Kumar Mishra, Mr.
Alexander Mathai Paikaday, Mr.
Sagar Mehlawat, Advocates.
Mob: 7800932000
Email: hvscgscdhc@gmail.com

8

+ C.O.(COMM.IPD-CR) 758/2022



M/S SACHDEVA AND SONS INDUSTRIES PRIVATE LIMITED
.....Petitioner

Through: None.

versus

M/S MAHAVEER RICE TRADERS AND ANR
.....Respondent

Through: Mr. Srish Kumar Mishra, Mr.
Alexander Mathai Paikaday, Mr.
Sagar Mehlawat, Advocates.
Mob: 7800932000
Email: hvscgscdhc@gmail.com

9
+ C.O.(COMM.IPD-CR) 802/2022

M/S SACHDEVA AND SONS INDUSTRIES PRIVATE LIMITED
.....Petitioner
Through: None.

versus

M/S MAHESHWARI INDUSTRIES (ASSAM) PVT LTD AND
ANR.
.....Respondents

Through: Mr. Srish Kumar Mishra, Mr.
Alexander Mathai Paikaday, Mr.
Sagar Mehlawat, Advocates.
Mob: 7800932000
Email: hvscgscdhc@gmail.com

11
+ C.O.(COMM.IPD-CR) 828/2022

M/S SACHDEVA AND SONS INDUSTRIES PRIVATE LIMITED
.....Petitioner
Through: None.



versus

M/S MAHAVEER RICE TRADERS AND ANR

.....Respondent

Through: Mr. Srish Kumar Mishra, Mr.
Alexander Mathai Paikaday, Mr.
Sagar Mehlawat, Advocates.
Mob: 7800932000
Email: hvscgscdhc@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
28.08.2024

%

1. The present petitions have been filed seeking rectification/cancellation of the copyright registered in favour of respondent no. 1 for the artistic work 'NOOR PARI'.
2. As per the case canvassed in the present petitions, the petitioner has been using its registered trademark/label 'PARI' regularly, extensively and without interruption of any kind. Thus, the petitioner has claimed prior adoption, prior publication and extensive use of its trademark 'PARI'.
3. It is the case of the petitioner that the respondent no. 1 subsequently got registered the impugned label 'NOOR PARI' on 2nd May, 2001, which is visually, phonetically and structurally identical to the petitioner's prior registered, and used trademark/label 'PARI'.
4. The present matter was initially filed before Intellectual Property Appellate Board ("IPAB"). Consequent upon promulgation of the Tribunals Reforms (Regulations and Conditions of Service) Ordinance, 2021 and on account of abolition of the IPAB, the present petitions were transferred to



this Court.

5. This Court notes that the present petitions were transferred to this Court in the year 2022. Thereafter, various Court notices have been issued to the parties. The respondents have been served. However, the service of Court notices, to the petitioner, as well as its counsels, have always remained awaited. Various attempts have been made by this Court to serve the petitioner not only through itself, but also through its counsel and Trademark Agent.

6. In this regard, it is apposite to notice the order dated 13th February, 2024, which reads, as under:

“The court notices of the petitioner; its registered Trademark-agent and counsel are all awaited.

The respondent no. 1 is already participating in the proceedings, through its counsel.

The respondent no.2 is a formal party.

In the given circumstances, issue fresh court notice(s) to the petitioner; its counsel and its registered Trademark-agent, returnable for 29.04.2024.”

7. Subsequently, vide order dated 29th April, 2024, it was noted, as follows:

“The court notices of the petitioner and its counsel are once again awaited. The registry has noted that no details of the registered Trademark-agent of the petitioner are available on record.

In the given circumstances, issue fresh court notices only to the petitioner and its counsel, to be served through the office of the concerned District and Sessions Judge.

The respondent no. 1 has already been served.

The respondent no.2 is a formal party.

List the matter for the service of the petitioner on 02.08.2024.”

8. By way of order dated 2nd August, 2024, it has been noted, as follows:



“Despite repeated efforts, the court notices of the petitioner or its counsel or the registered Trademark-agent are not being received back. In another cases of the same petitioner pending before this Court, similar circumstances exists. The matter is pending for the service of the court notice over the petitioner since 01.08.2022.

Accordingly list the matter before the Hon'ble Court for further directions on 28.08.2024.

The respondent no. 1 had already been served.

The respondent no.2 is a formal party.”

9. The petitioner in the present cases, ought to be aware of the fact, that after the abolition of the IPAB, the present petitions have been transferred to this Court. The petitioner has not taken any steps to cause any appearance before this Court. This shows a lackadaisical approach of the petitioner towards the present petitions, as it has not bothered to cause appearance before this Court, even once. The petitioner cannot be said to be oblivious of the proceedings before this Court, as the petitions before the IPAB were filed on its behalf.

10. Accordingly, it is manifest that the petitioner is not interested in prosecuting the present petitions.

11. Consequently, the present petitions are dismissed in default, and for non-prosecution.

MINI PUSHKARNA, J

AUGUST 28, 2024

ak