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

+ C.O.(COMM.IPD-CR) 789/2022

MUSIC CHOICE INDIA PVT. LTD.

.....Petitioner

Through: None

versus

PHONOGRAPHIC PERFORMANCE LTD.

.....Respondent

Through: Mr. Shaurya Pandey, Adv.

M: 6671895769

Email:

shaurya.pandey@khaitanco.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

14.10.2024

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1. The present suit has been filed seeking directions to Registrar of Copyrights to grant the petitioner a compulsory license to communicate the works in the repertoire of the respondent herein to the public by broadcast.
2. This Court notes that the present matter was initially filed before the Intellectual Property Appellate Board ("IPAB"). Consequent upon abolition of the IPAB, the present matter was transferred before this Court.
3. No appearance has been put on behalf of the petitioner, till date.
4. Perusal of the order sheets show that the learned counsel for the petitioner was served on 31st January, 2024, but, no one has appeared on its behalf.
5. Order dated 06th August, 2024, in this regard, reads as under:



“The court notice of the petitioner was received back unserved with the report of “left” earlier on 05.03.2024. The report for today is that of “no such firm”. The counsel for the petitioner was served on 31.01.2024, but none appeared. The registry has noted that the details of the registered agent of the petitioner are not available on record.

In these circumstances, list the matter before the Hon'ble Court on 14.10.2024.”

6. The petitioner, having filed the present petition would be in the knowledge of the pendency of the present petition. The petitioner has neither bothered to appear before this Court, despite having filed the present petition on its own account, or even after receipt of Court notice.
7. Thus, it is manifest that the petitioner is no longer interested in pursuing the present matter.
8. Accordingly, the present petition is dismissed in default and for non prosecution.

MINI PUSHKARNA, J

OCTOBER 14, 2024/kr