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

+ **C.O.(COMM.IPD-CR) 798/2022**

RAMDAS VAISHNAV

.....Petitioner

Through: None

versus

NEMICHAND MEHTA AND ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.09.2024

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1. None appears on behalf of the petitioner when matter is called out.
2. Perusal of the various order sheets show that none has been appearing on behalf of the petitioner, despite service of Court Notice on 02nd November, 2023.
3. Order dated 08th December, 2023, categorically records that the petitioner had been duly served on 02nd November, 2023. The said order, reads as under:

“The office noting shows that the petitioner had been served on 02.11.2023.

The respondent no.1 had already been served and his counsel had even appeared on 10.10.2023. It had also filed its counter statement before the Intellectual Property Appellate Board.

Respondent no.2 and 3 are formal parties.

The petitioner thus may now file the rejoinder qua the counter statement of respondent no.1 before the next hearing.

List the matter for completion of pleadings qua respondent no. on 20.02.2024.”



4. This Court further notes that with respect to non-appearance of the petitioner, order dated 20th February, 2024, records as follows:

“Despite being served on 02.11.2023, the petitioner has neither appeared, nor filed the rejoinder qua the respondent no. 1. One final opportunity is granted to the petitioner to appear and file the rejoinder qua the respondent no. 1.

The respondent no. 2 & 3 are formal parties.

List the matter for completion of pleadings qua the respondent no. 1 on 15.04.2024.”

5. Despite opportunities, neither any appearance has been made on behalf of the petitioner, nor rejoinder has been filed, in terms of the previous directions of this Court. Thus, order dated 09th July, 2024, reads as under:

“The petitioner has not been appearing or complying with the earlier directions dated 20.02.2024, despite being served on 02.11.2023. Hence the matter be placed before the Hon’ble Court for further proceedings on 10.09.2024.

The respondent no. 2 & 3 are formal parties.”

6. This court notes that the present petition was received from the Intellectual Property Appellate Board (“IPAB”), consequent upon promulgation of the Tribunals Reforms (Rationalization and Conditions of Service) Ordinance, 2021 and after abolition of IPAB. The matter was received and listed before this Court for the first time on 05th August, 2022. Thereafter, despite service of Court Notice to the petitioner, none has put in appearance on behalf of the petitioner, till date.

7. The petitioner, having filed the petition before the erstwhile IPAB, which was ultimately transferred before this Court, ought to be aware of the pendency of the present petition. Despite various orders, wherein, it has been recorded that the petitioner has been served, none has appeared on behalf of the petitioner.



8. In view of the aforesaid, this Court is of the view that the petitioner is not interested in pursuing the present matter.

9. Accordingly, the present petition is dismissed in default, and for non prosecution.

MINI PUSHKARNA, J

SEPTEMBER 10, 2024/kr