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

+ **CA (COMM.IPD-CR) 15/2022**

KIT KAT FOOD PRODUCTS

..... Appellant

Through: None.

versus

THE COPY RIGHT BOARD AND ORS

.....Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC, with Mr. Srish Kumar Mishra
and Mr. Alexander Mathai Paikaday,
Advocates

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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07.10.2024

1. A perusal of the order sheets in the present case show that the present matter was received from the Intellectual Property Appellate Board ("IPAB"), consequent upon promulgation of the Tribunals Reforms (Regulation and Conditions of Service) Ordinance, 2021, and after abolition of IPAB.

2. Perusal of the order sheets, further show that despite repeated efforts, neither the appellant, nor the respondent no.3 could be served, either personally or through counsel/registered Trademark-Agents. The order dated 23rd July, 2024, reads as under:

"The respondent no. 1 & 2 were served through counsels, as noted in the order dated 13.02.2024. However, the court notices issued to their registered Trademark-agents are not received back today. Be that as it may, they are deemed to be served through their counsels in the manner noted above.

As per order dated 13.02.2024, the court notice of the counsel for the respondent no. 3 for that hearing was received back unserved with the



report of “left”. The report of the registered Trademark-agent of the respondent no. 3 for today is of “no such person”.

The record suggests that despite repeated and diligent efforts, neither the appellant, nor the respondent no. 3 could be served either personally or through their counsels/registered Trademark-agents. Their services are pending since 17.08.2022, whereby it is appropriate to place the matter before the Hon'ble Court for further directions.

List the matter before the Hon'ble Court on 07.10.2024.”

3. It is to be noted that the present matter was listed before this Court initially on 17th August, 2022 and thereafter, various efforts have been made to serve the appellant. However, despite repeated efforts, neither the appellant nor the respondent no.3 could be served, as noted in the various order sheets.
4. This Court finds that the present appeal had been filed by the appellant before the IPAB, and after the abolition of the IPAB, the appellant would be in the knowledge of the fact that the matter has been transferred to this Court.
5. The appellant has not made any efforts to appear before this Court.
6. The conduct of the appellant clearly shows that the appellant is not interested in pursuing the present matter, any further.
7. Accordingly, the present appeal is dismissed in default and for non-prosecution.

MINI PUSHKARNA, J

OCTOBER 7, 2024

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