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

+ **C.A.(COMM.IPD-TM) 63/2021**

DHARM SANSTHAPAK SANGH

.....Appellant

Through:

versus

THE REGISTRAR OF TRADE MARKS

.....Respondent

Through: **Mr. R. Venkat Prabhat, SPC with Mr.**

Abhinav M Goel, Adv.

(M:8001622962)

(Email:ruprabhat9@gmail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

05.11.2024

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1. The present appeal has been filed under Section 91 (1) of the Trade Marks Act, 1999 against the refusal order dated 26th March, 2019 passed by the respondent, whereby, the application of the appellant, TM-A No. 3012486, was refused.

2. The present appeal was initially filed before the Intellectual Property Appellate Board ("IPAB"), and the same was transferred to this Court after the abolition of IPAB.

3. Perusal of the order dated 21st November, 2023 shows that counsel for the appellant has not been appearing since after 19th September, 2022. Order dated 21st November, 2023, in this regard is reproduced as under:

"xxx xxx xxx

The counsel for the appellant has not been appearing since after 19.09.2022. The appellant is yet to remove the deficiencies pointed out initially by the registry. In the interest of justice, accordingly issue



fresh court notice to the appellant through counsel, returnable for 24.01.2024 with directions to remove the deficiencies.

The respondent and its counsel have already been served. They are yet to file their reply (see: order dated 13.09.2023).

xxx xxx xxx”

4. Thereafter, various efforts have been made to serve the appellant, however, to no avail. Thus, vide order dated 4th September, 2024, it has been recorded as follows:

“xxx xxx xxx

The order dated 05.04.2024 records that the counsel for the appellant could not be served since he had left his address. The court notice of the registered Trademark-agent of the appellant issued for today has also been received back with the report of “not found”. The personal court notice of the appellant at its Uttrakhand address is once again awaited. The last appearance on behalf of the appellant through counsel has been recorded on 19.09.2022. The aforesaid circumstances show that despite diligent and repeated efforts, the appellant could not be served.

List the matter before the Hon'ble Court for further proceedings on 05.11.2024.”

5. In view of the aforesaid facts and circumstances, this Court manifests that the appellant is no longer interested in pursuing the present matter.

6. Accordingly, the present appeal is dismissed in default and for non-prosecution.

MINI PUSHKARNA, J

NOVEMBER 5, 2024/PU