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

+ C.O. (COMM.IPD-TM) 33/2022

RAICAM S.P.A.

.....Petitioner

Through: None.

versus

MR. HAR CHARAN SINGH AND ANR.

.....Respondents

Through: Mr. Shailen Bhatia, Ms. Zeba T. Khan, Ms. Sheril Bhatia, Ms. Ekta Nayar Saini and Mr. Varun Kajla, Advocates.

+ CS(COMM) 268/2018

RAICAM S.P.A

.....Plaintiff

Through: None.

versus

HAR CHARAN SINGH AND ANR.

.....Defendants

Through: Mr. Shailen Bhatia, Ms. Zeba T. Khan, Ms. Sheril Bhatia, Ms. Ekta Nayar Saini and Mr. Varun Kajla, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

10.01.2025

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1. In the captioned suit as well as the rectification petition, the earlier counsel appearing on behalf of the plaintiff/petitioner was granted a discharge from representing the plaintiff/petitioner. Further, a notice of default was served on the plaintiff/petitioner through its solicitor.

2. Subsequently, on 11th July, 2023, a detailed order was passed by the Predecessor Bench wherein it was noted that the mark of the petitioner



‘MAFF’/  (label) had been abandoned.

3. In view of the above, the respondent no.1 was directed to file an affidavit placing on record the details of the use made by the respondent no.1 of the mark along with the documents.

4. Pursuant to the aforesaid order, an affidavit of Sardar Gurdev Singh Soundh, the sole proprietor of the respondent no. 1, was filed on 23rd August, 2023, whereby the respondent no.1 has given its details of user along with invoices in support.

5. On 7th August, 2023, the Predecessor Bench had noted that the plaintiff had not appeared in the matter even after the Court notice was issued by the Registry. It was further noted that if there is no appearance on behalf of the plaintiff on the next date, the matter would be liable to be dismissed for non-prosecution.

6. Subsequently, the matters have been listed on three occasions, i.e. on 4th December, 2023, 16th April, 2024 and 5th September, 2024, on which dates also, none has appeared on behalf of the petitioner/ plaintiff.

7. In these circumstances, the Court is left with no other option but to dismiss the suit as well as the rectification petition for non-prosecution.

8. It is ordered accordingly.

9. Both the suit as well as the rectification petition stand dismissed for non-prosecution.

AMIT BANSAL, J

JANUARY 10, 2025/kd