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

+ W.P.(C)-IPD 100/2021, CM APPL. 18876/2012-Stay

VIDYA BHUSHAN JAIN Petitioner

Through: Mr. Kunal Khanna, Mr. Krtin
Bhasin, Mr. Prakhar Sharma and
Mr. Praveer Sharma, Advs.

versus

MOHAMMED YOUNUS SHEIKH AND ANR..... Respondents

Through: Mr. Rajesh Gogna, CGSC with
Ms. Priya Singh and Ms Rebina Rai
Advocate.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

06.05.2025

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1. Considering that the respondent no.1 was last represented on 26.07.2019 and despite subsequent orders for serving the respondent no.1 afresh, there is no appearance on his behalf since and from then, another opportunity was granted for the respondent no.1 to be served afresh.

2. Though the respondent no.1 has not been served afresh, however, considering his prolonged non-appearance since his last representation, the said respondent no.1 is proceeded *ex-parte*.

3. At this stage, learned counsel for respondent no.2 submits that the present writ petition has become infructuous as there is nothing surviving therein. For this, he has drawn the attention of this Court to order dated 20.07.2017, wherein, it is recorded as under:-

“The learned counsel for respondent no.2 states that subject

to the outcome of the present petition, the renewal of the trademark in question has been granted for a further period of 10 years.”

4. He has further drawn the attention of this Court to paragraph 5 of the short affidavit dated 14.07.2017 filed on behalf of respondent no.2, wherein, it is stated as under:

“5. That the issue raised in the application being a technical issue relating to filing of renewal request has been resolved and the Applicant/ Petitioner has filed its renewal request and the mark has been renewed for ten years upto 27.08.2027.”

5. In terms thereof, this Court agrees with the submission made by the learned counsel for the respondent no.2 as there is indeed nothing surviving in the present writ petition. More so, the aforesaid are very much in consonance with the prayer(s) (iii) and (iv) as sought for by the petitioner in the present writ petition.

6. As such, the order dated 13.09.2012 passed by Intellectual Property Appellate Board (IPAB), Chennai in TRA/121/2004/TM/DEL (C.O. No. 18/2003) is set aside and the trademark No.605340 in Class-01 filed by the petitioner herein is allowed to subsist in the Register maintained by the Trade Marks Registry in accordance with law.

7. Accordingly, the writ petition along with pending applications are disposed of in the aforesaid terms.

SAURABH BANERJEE, J.

MAY 6, 2025/R