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

+ **C.O.(COMM.IPD-CR) 866/2022 & I.A. 47374/2024**

M/S ARB BEARING LIMITED

.....Petitioner

Through: Mr. S.K. Bansal and Mr. Rishabh
Gupta, Advs.
M: 9711447472
Email:
rishabh.gupta@unitedandunited.com

versus

SUNITA PURI AND ANR.

.....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Akash Mishra, Adv. for R-2.
M: 9555672532

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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06.12.2024

I.A. 47374/2024 (Seeking consolidation of the proceedings before the Registrar of Trade Marks with the proceedings before this Court)

1. The present application has been filed on behalf of the petitioner under Section 151 of Code of Civil Procedure, 1908 ("CPC"), read with Rule 26 of Delhi High Court Intellectual Property Rights Division Rules, 2022 for consolidation of the proceedings before the Registrar of Trade Marks with the proceedings before this Court.

2. It is submitted that when the present petition was listed for hearing on 28th October, 2024, the respondent no.1 submitted that they had filed a rectification petition against the trademark registration no. 1861604 of the



petitioner in Class 4. Thus, by way of the present application, it is prayed that the said rectification/cancellation petition no. 268630 filed by respondent no.1 against the petitioner's trademark registration no. 1861604 in Class 4, be transferred to this Court from Office of Registrar of Trade Marks, and be tagged along with the present petition for adjudication.

3. Learned counsel appearing for the petitioner also relies upon the order dated 20th November, 2022 passed in *C.O. (COMM.IPD-TM)-124/2022*, to submit that there is no impediment in transferring a rectification petition from the Registrar of Trade Marks to this Court.

4. Issue notice. Notice is accepted by learned counsel appearing for respondent no.2. She seeks time to seek instructions.

5. Issue notice to respondent no.1 by all modes.

6. Let reply be filed within a period of four weeks.

7. Rejoinder thereto, if any, be filed within two weeks, thereafter.

8. Re-notify on the date already fixed, i.e., 26th March, 2025.

MINI PUSHKARNA, J

DECEMBER 6, 2024/kr