

IN THE HIGH COURT AT CALCUTTA
(Intellectual Property Rights Division)
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/1/2025

In

IPDATM/54/2023

LES ATELIERS LOUIS MOINET SA (SR/45/2020/TM/KOL)

Vs

REKHA GINODIA AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 4th September, 2025

Appearance:
Mr. Diganta Paul, Adv.
Mr. Rabindra Kumar Mitra, Adv.
...for the appellant.

The Court: This is an application for recalling of an order dated 6 November, 2024.

It is submitted on behalf of the applicant that they were unable to be represented on the day the matter was dismissed for default primarily on the ground that the advocate appearing on their behalf was not in Court due to illness of the father.

The matter was filed before the IPAB (Intellectual Property Appellate Board), Chennai as far back as in 2020. Thereafter, the matter was transferred on 13 March, 2023 to this Hon'ble Court. The matter had appeared on 20 March, 2023 when the appellant was represented. Thereafter, on 18 May, 2023 the parties were unrepresented. Ultimately, the matter was dismissed for default on 6 November, 2024.

The only ground taken in the application that the advocate appearing on behalf of the appellant was unable to attend Court on the day the matter was dismissed for default due to reasons beyond their control.

I have considered the averments made in the petition and I am satisfied that there are sufficient grounds as to why the appellant was unable to be represented on the day the matter was dismissed for default.

In view of the above, the application being IA NO. GA-COM/1/2025 stands allowed. There shall be an order in terms of prayers (a) and (b) of the Master's Summons.

IPDATM/54/2023 stands restored to its original file and number. Let this matter appear in the monthly list of November, 2025.

In the meantime, the appellant is directed to serve a notice on all the respondents and file an Affidavit of Service on the returnable date.

(RAVI KRISHAN KAPUR, J.)