
(2014) 10 IPAB CK 0004

In the Intellectual Property Appellate Board

Case No : Miscellaneous Petition No. 180/2014 In ORA/109/2007/TM/DEL

Suresh Kumar Oswal Jain

APPELLANT

Vs

Baldev Raj Malhotra

RESPONDENT

Date of Decision : 13-10-2014

Acts Referred:

Intellectual Property Appellate Board (Procedure) Rules, 2003 — Rule 24
Code Of Civil Procedure, 1908 — Order 22 Rule 4

Citation : (2015) 1 RCR (Civil) 222

Hon'ble Judges : K.N. Basha, J; Sanjeev Kumar Chaswal, Technical Member

Bench : Division Bench

Advocate : Rakesh Tiwari, Kamal Kishore Arora, Gaurav Arora

Final Decision : Allowed

Judgement

1. Mr. Rakesh Tiwari, the learned counsel for the applicant and Mr. Kamal Kishore Arora, the learned counsel for the respondent are present today. This Miscellaneous Petition is filed for impleading legal heir of the respondent. The learned counsel for the petitioner as well as the learned counsel for the respondent in the main rectification application are one and the same. We heard both the counsel and perused the petition.

2 . It is seen that the sole respondent in the matter expired on 17/06/2011 and the petitioner also produced the death certificate, it is stated that after the demise of the sole respondent Shri Baldev Raj Malhotra, his son and legal heir Shri Bir Prakash Malhotra has succeeded to his rights, titles and interests, especially by virtue of a registered Will dated 01/01/2009, a copy of which is annexed at P-2 to the petition. Thus, Shri Bir Prakash Malhotra having succeeded to his father deserves to be impleaded/substituted for the respondent. The learned counsel for the respondent stated that the impleading is in accordance with Rule 24 of the Intellectual Property Appellate Board (Procedure) Rules, 2003 read with Order 22 Rule 4 of the CPC. Accordingly, it is directed to substitute Shri Bir Prakash Malhotra in place of Shri Baldev Raj Malhotra as respondent in this

case. Accordingly, the Miscellaneous Petition No. 180/2014 in ORA/109/2007/TM/DEL is allowed. Cell the matter for further hearing on 19th January 2015. The Registry is directed to send notice to all the parties.