

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**

C.P. No. D – 4797 of 2020

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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For hearing of Main Case.

**06-09-2023**

Mr. Muhammad Ayoub Chanhio, Advocate for Petitioner.  
Mr. Saleem Ghulam Hussain, Advocate for Respondent.  
Mr. Arshad Ali, Assistant Attorney General.

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**YOUSUF ALI SAYEED J.** – The Petition pertains to certain marks in respect of which the Petitioner had applied for registration under the Trade Marks Ordinance, 2001 (the “**Ordinance**”) in the year 2016. Those marks were apparently published in the Trade Marks Journal (No.780 January 1, 2016), with the relevant applications bearing Application Nos. 382851, 384660, 382852 and 384661. The case of the Petitioner is that the matter has since remained unattended by the Registrar of Trade Marks (the “**Registrar**”), with a declaration thus being elicited that such conduct constitutes an abuse of authority, and it being sought that the Registrar be directed to finalize the registration of the marks on the basis of those applications. Indeed, learned counsel for the Petitioner presented his arguments along the same lines.

However, as it transpires, the comments submitted on behalf of the Registrar present a complete rebuttal to the Petitioner’s case, with learned counsel appearing on behalf of the Registrar pointing out certain Orders dating back to the year 2018, reflecting that that various oppositions were filed in respect of those application, and that the applications subsequently came to be dismissed under Section 28(4) of the Ordinance due to the Petitioner’s failure to file his counter-statements. He submitted that those Orders were appealable under the Ordinance but the Petitioner had directly invoked the writ jurisdiction of this Court rather than resorting to that remedy.

Confronted with those submissions, learned counsel for the Petitioner initially sought to argue that the applications of the Petitioner remained alive even as recently as the year 2021, when some of the same marks had been published in the Trade Marks Journal (No.845 JUNE 1, 2021), but upon it being pointed out that the application numbers of the publication of 2021 were altogether different, conceded that fresh applications seeking registration of the same marks had been made.

Needless to say, those applications are not the subject of this Petition. Furthermore, on query posed, learned counsel appearing on behalf of the Registrar submitted that those applications remained pending as they had also been met with certain oppositions, and would be processed in accordance with the law.

In view of the foregoing, no case for interference stands made out and the Petition stands disposed of accordingly.

JUDGE

JUDGE

\*PA/SADAM