

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**LEAVE PETITION NO. 336 OF 2016
IN
SUIT (LODG.) NO. 1019 OF 2016
WITH
SUIT NO. 1036 OF 2016
WITH
NOTICE OF MOTION NO. 2951 OF 2016
IN
SUIT NO. 1036 OF 2016**

Narayan Thimma Poojari .. Petitioner
Vs.
Rudra Shiv Sagar Pure Veg & Ors. .. Respondents

Ms.Dipti Panda a/w. Ms.Dharmika Patel i/b Purnanand & Co. for petitioner.

Mr.Rohan Kadam a/w. Ms. Rajashree Karande i/b Joseph Varikasery for respondents.

**CORAM : K.R.SHRIRAM, J.
DATE : 4TH APRIL, 2017**

P.C.

1 The petition is filed to grant the petitioner leave under Clause XIV of Letters Patent.

2 Though Mr.Kadam appearing for the respondents in the petition had initially opposed the petition but after going through the judgment of a Single Judge of this Court (Coram : G.S. Patel, J.) in ***Manugrah India Limited, Mumbai V. Simarq Technologies Pvt. Limited, Kolhapur & Ors.***¹,

1 AIR 2016 Bombay 217

in fairness submitted that the judgment will squarely be applicable to the facts of the present case and the petition can be allowed. At the same time, Mr.Kadam stated an appeal has been filed against the order and judgment in ***Manugrah India Limited*** (supra) and the same is pending. Shri Kadam further states that the respondents herein should be granted liberty to raise all their objections in appeal, should they be advised to file an appeal.

Leave as sought by the respondents to challenge is granted.

3 The leave petition is allowed in terms of prayer clause (a).

4 Notice of motion No. 2951 of 2016 be listed of hearing and final disposal on 15th June 2017. Affidavit in reply to file filed and copy served within three weeks from today. Rejoinder, if any, to be filed within two weeks thereafter.

(K.R. SHRIRAM, J.)