

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

APPEAL AGAINST ORDER NO. 32/2019.

Shri Ganesh Dal and Besan Mill.

-VERSUS-

Mohammad Yusuf Abdul Gaffar.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.P. Palshikar, Advocate for the Appellant.
Shri M.G. Sarda, Advocate for the Respondent/Caveator.

CORAM : VINAY JOSHI, J.

DATE : JANUARY 06, 2020.

Heard the learned Counsel for the
appellant to some extent.

2. This is an Appeal Against Order arising
out of an order of temporary injunction in Regular
Civil Suit No.1/2018, passed by the learned Adhoc
District Judge, Akola on 14.02.2019.

3. Initially the respondent has filed a suit
under the provisions of Section 142 of the Trade
Marks Act, 1999. Having regard to the prima facie

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case, the learned Trial Court used his discretion and issued an order of temporary injunction restraining the appellant/original defendant from continuously issuing groundless threats of legal action to the plaintiff.

4. Admittedly, the suit is pending before the Trial Court. The learned Counsel for the respondent /plaintiff submitted that he has already filed his evidence on affidavit and the matter is now pending for his cross examination. Needless to say that even if any order is passed in this Appeal, it will merge into the final adjudication of the suit on merits.

5. Having regard to the said fact, this Court suggested both parties that the trial Court can be directed to decide the suit itself on merits in a time bound manner, so that the entire controversy can be resolved. The learned Counsel for the appellant assured to cooperate with the trial Court in respect of the aforesaid suggestion.

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5. In view of above, the Appeal Against Order is disposed of. The Trial Court is directed to decide the suit within a period of four months from the date of receipt of this order. Both the parties are directed to cooperate with the Trial Court for expeditious disposal of the suit, in a positive manner. No costs.

JUDGE

Rgd.