

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

COMMERCIAL APPEAL NO.95 OF 2017

IN

NOTICE OF MOTION NO.227 OF 2014

IN

SUIT NO.108 OF 2014

WITH

NOTICE OF MOTION NO.1780 OF 2016

RAJESH
VASANT
CHITTEWAN

Raj Polymers	...	Appellant
Versus		
Commander Water-Tech (P) Ltd.	...	Respondent
.....		
Mr. Jacob Kadantot for the Appellant.		
.....		

CORAM : NITIN JAMDAR AND
G.A. SANAP, JJ.

DATE : 9 SEPTEMBER 2021

P. C. :

. In a suit filed by the Respondent in the year 2014, the learned Single Judge by the impugned order dated 14 January 2016, had restrained the appellant from using the Trade Mark in question. When the appeal was admitted on 2 March 2016, the Division Bench had refused to stay the impugned order.

2 Learned Counsel for the Appellant states that he has received
instructions that the Appellant has stopped this particular line of

business and is not using the trade mark in question. He states that his only apprehension is that the observations made in the impugned order should not come in the way of the Appellant, in case, the suit is contested on merits. The apprehension is unwarranted, as the impugned order is an interim order.

3 In the light of above position, no purpose would be served in keeping the appeal pending and the same is disposed of, with clarification as above.

(G.A. SANAP, J.)

(NITIN JAMDAR, J.)