

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 887 OF 2015
IN
REGULAR CIVIL SUIT NO. 10 OF 2015
WITH
CIVIL APPLICATION NO. 1079 OF 2015**

Parag Milk Foods Pvt. Ltd. ..Appellant
Vs.
Pastonji Brands And Holding Pvt. Ltd. & Ors. ..Respondents

Mr. Sarang Aradhye i/b. MAG Legal for Appellant.
Mr. D. Y. Chitnis with Ms. Sonali Dalvi, Mr. Abhilash Chitre i/b. M/s.
Deepak Chitnis-Chiparikar & Co. for Respondents.

**CORAM : G.S. KULKARNI, J.
DATE : JANUARY 18, 2023**

P.C.:

1. Heard Mr. Aradhye, learned counsel for the appellant and Mr. Chitnis, learned counsel for the respondents.
2. Perusal of the record indicates that the impugned order is an order dated 19 May, 2015 passed by the learned District Judge-9, Pune whereby an application filed by the appellant/plaintiff below Exhibit 5 in Civil Suit No.10 of 2015 has been rejected.

3. This appeal from order was filed on 25 June, 2015. Perusal of the record also indicates that there was no interim protection as granted by this Court. Even otherwise it appears that despite leave granted by this Court vide an order dated 18 April, 2022, no amendments are carried out in the proceedings.

4. Considering the nature of the impugned order, it is appropriate that the parties urge all their contentions in the pending suit.

5. All contentions of the parties in the pending suit are expressly kept open.

6. Disposed of. No costs.

7. Civil application would not survive. It is accordingly disposed of.

[G.S. KULKARNI, J.]