



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10521 OF 2025

Kirti Dal Mills Limited,
Through its Director,
Mr. Anand Bhutada,
Age: 43 years, Occupation: Business,
having its registered office at 79-C,
Market Yard, Latur – 413 512

... PETITIONER
(Original Plaintiff)

VERSUS

Rajesh Lunkad,
Proprietor of Lunkad Veg Oils,
having address at 247/248, Market Yard,
Gultekdi, Pune – 411 037

... RESPONDENT
(Original Defendant)

....

Mr. Rahul R. Totala, Advocate for the Petitioner
Mr. Amit Ashok Yadkikar, Advocate for the Respondent

....

CORAM : Y. G. KHOBRAGADE, J.

RESERVED ON : December 08, 2025
PRONOUNCED ON : December 18, 2025

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with the consent of both the parties.

2. By the present petition, the petitioner takes exception to the order dated 06.05.2025 passed below Exh.15 in Commercial Suit No. 1 of 2024, whereby the suit came to be stayed under Section 10 of the Code of Civil Procedure till the disposal of the previously instituted suit bearing Special Civil Suit No. 24 of 2021, pending on the file of the learned District Judge, Pune.

3. The present Respondent is the plaintiff and Petitioner is defendant in previous Special Civil Suit No. 24 of 2021, whereas the present petitioner is the plaintiff and Respondent is defendant in subsequent Commercial Suit No. 1 of 2024.

4. The factual matrix of the matter is that, on 25.06.2021, the respondent herein instituted Special Civil Suit No. 24 of 2021 before the learned Additional Sessions & District Judge, Pune and prayed as under:

a) The Defendant be restrained by an order of ad-interim injunction from passing off its goods/services as that of the Plaintiff's or using any mark similar/identical to the Plaintiff's marks and CHAMPION, by itself and/or with any prefix/suffix whatsoever in respect of soyabean oil or any other type of edible oils, in the course of business or otherwise, either personally or through its agents, servants, employees, staff, otherwise, either personally or through actions which amounts to unfair assigns or representatives, or any other actions which

amounts to unfair competition and loss of reputation of the Plaintiff, pending the disposal of the present suit;

b) The defendant be restrained by an order of ad-interim injunction from infringing upon the Plaintiff's copyright, by the use of a deceptively similar trade dress as that of the Plaintiff in the course of business or otherwise, either personally or through its agents, servants, employees, staff, assigns or representatives, pending the disposal of the present suit;

c) The Defendant be restrained by a decree of permanent injunction from passing off its goods/services as that of the Plaintiff or using any mark similar/identical to the Plaintiff's marks by itself and/or with any prefix/affix whatsoever in respect of soyabean oil or any other type of edible oils, in the course of business or otherwise, either personally or through its agents, servants, employees, staff, assigns or representatives or any other actions which amounts to unfair competition and loss of reputation of the Plaintiff;

d) The Defendant be restrained by an order of permanent injunction from infringing upon the Plaintiff's copyright, by the use of a deceptively similar trade dress as that of the Plaintiff used for or in respect of Soyabean Oils and/or any other type of edible oils in the course of business or otherwise, either personally or through its agents, servants, employees, staff, assigns or representatives;

e) The Defendant be directed and ordered to give a stock of the reports/analysis including marketing material and the like bearing the marks CHAMPION used with any prefix/suffix used in respect of Soyabean Oil/any other edible oils that are in possession of the Defendant and surrender the same for destruction in the presence of the Plaintiff as on a date decided by this Hon'ble Court;

f) The Defendant be directed and ordered to pay Rs.50,00,000/- (rupees fifty lakhs) towards damages to the

Plaintiff for the loss of business and loss of profits sustained by the Plaintiff;

g) The Defendant be directed and ordered to give rendition of accounts to calculate the profits earned by using the impugned mark 'CHAMPION' and 'Champion' (in the alternative to (f) above;)

h) The cost of the suit throughout may kindly be awarded to the Plaintiff from the Defendant; and

i) Any other just and equitable orders in the interest of justice may kindly be passed.

5. The present petitioner/defendant appeared in Special Civil Suit No. 24 of 2021 and filed Exh. 17, an application for return of the plaint on the ground that, by Notification dated 27th August 2019, the State Government, in exercise of powers under the Commercial Courts Act, 2015, and as per the Commercial Court (Amendment) Ordinance, 2018 designated Commercial Court is empowers to decide the commercial disputes having pecuniary value of Rs.50,00,000/-. As per said notification, the Court of Civil Judge, Senior Division, at the District Headquarters is designated as the Commercial Court for adjudication of commercial disputes up to Rs.1,00,00,000/- (Rupees One Crore), and the District Judge-2 is designated for disputes above 1 crore. However, as per the pleadings raised by the Respondent/plaintiff coupled with notification, no other

courts except the court of Senior most Civil Judge, Senior Division or the Court of District Judge-2 having jurisdiction to entertain, try and decide the commercial dispute of specified value. Therefore, the learned District Judge, Pune having no jurisdiction to entertain and try the said suit.

6. The Respondent/plaintiff filed a reply at Exh.18, contending that at the allotment of the matter and due to administrative exigencies, the office of the District Court listed said special suit before the learned District Judge, Pune. As per the said notification, said suit was to be listed before the Commercial Court but it is allotted to the learned District Judge, Pune.

7. It is further canvassed that, Section 134 of the Trade Marks Act read with Section 62 of the Copyright Act, suit for infringement cannot be tried by a court inferior to the District Court Judge. Therefore jurisdiction of the Civil Judge Senior Division is expressly barred by the provisions of the Trade Marks Act, 1999 and the Copyright Act, 1957.

8. On 28.01.2024, the learned Additional Sessions Judge, Pune passed an order below Exh.17 in Special Civil Suit No.24 of 2021 and rejected the application of return of plaint on ground that though the definition of the Commercial Courts Act defined under Section 2(1)(c)(xvii) of the Commercial Courts Act and notification issued by the State Government, however, Section 134 of the Trade Marks Act, suit for infringement of trade mark is to be instituted before the District Court and the dispute about Trademark, Copy Right is the commercial dispute. However, there is bar in respect of subject matter under the Trade Marks Act, which is having override effect to any other law including Code of Civil Procedure. The legislature expected that the Courts should read and interpret the provisions of Trade Marks Act and Commercial Court Act in harmoniously.

9. Being aggrieved by the said order dated 28.01.2024, the present petitioner/defendant in previous suit, filed Civil Revision Application No. 146 of 2025 (Kirti Dal Mills Ltd. Vs. Rajesh Lunkad) before the Principal Seat at Bombay. On 19.03.2025, His Lordship N. J. Jamadar, J, passed the following order:-

- “1. Heard the learned Counsel for the Applicant.*
- 2. An arguable question is raised.*
- 3. Issue notice to the Respondent for final disposal, returnable on 23 April 2025.*
- 4. In addition to notice through Court, the Petitioner is at liberty to serve the Respondent by private service and file affidavit of service.*
- 5. In the meanwhile, the learned District Judge shall defer hearing of Special Civil Suit No.24 of 2021.”*

10. On 02.07.2025, the following order is passed in the aforesaid Civil Revision Application:-

“Balance Daily Board cannot be taken up today on account of paucity of time. Stand over to 24/09/2025. If any ad-interim / interim relief is operating till today, the same shall continue to operate till the next date. If ad-interim / interim relief is granted not for a limited period, the same shall remain unaffected.”

11. However, said interim order was remain to be continued after 24.09.2025 but said interim order dated 19.03.2025 has not been vacated. Since the interim order vacated by the specific order, there is presumption that the interim order granted on 19.03.2025 in Civil Revision Application No.146 of 2025, is continued.

12. Needless to say that, on 30.11.2024, the present petitioner/defendant in previous suit, filed Commercial Suit No.1 of 2024 before the District Judge and Commercial Court at Latur, wherein the present respondent/plaintiff in previous suit, impleaded as defendant. In the subsequent suit, the plaintiff prayed as under:-

- “1. The Defendant may kindly be restrained by an order of temporary injunction from using the mark **“Champion”** in any manner in respect of its edible oils, which constitutes passing off the Defendant’s goods (edible oils and in particular Soyabean oil and sunflower) as the Plaintiff’s goods.*
- 2. The Defendant may be restrained by order of temporary injunction from using the mark – **“Champion”** in any manner in respect of its edible oils, which constitutes an infringement of the Plaintiff’s trademark **“Kirti Champion”**;*
- 3. Any other order as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”*

13. After service of notice, the present respondent/defendant in subsequent suit, filed Exh.15 application under Section 10 read with Section 151 of C.P.C., and prayed for stay of suit till decision of Special Civil Suit No.24 of 2021 pending between the petitioner and respondent before the learned District Judge, Pune.

14. The present petitioner filed Reply at Exh. 18 contending that, the suit by him is in accordance with the provisions of Sec. 12A of the Commercial Courts Act and it is pending before the competent

court having jurisdiction and to grant relief prayed in the suit. However, the respondent filed Special Civil Suit No. 24 of 2021, which is pending on file of the learned District Judge, Pune is not designated as a Commercial Court within meaning of Section 2(1)(c) (xvii) of the Commercial Courts Act. Therefore, Commercial suit filed by him can be decided on its merits and not hit by Sec. 10 of CPC, hence, prayed for rejection of application Exh. 18.

15. On 05.06.2025, the learned District Judge-1 & Commercial Court, passed the impugned order and stayed the petitioner's suit under Section 10 of the C.P.C., till decision of Special Civil Suit No. 24 of 2021, pending before the learned District Judge, Pune.

16. The learned counsel appearing for the Petitioner/plaintiff in subsequent suit canvassed that, the order dated 19.06.2025 passed in Civil Revision Application No. 146 of 2025 by the Principal Seat at Bombay is binding on both the parties as well as the learned District Judge, Pune, whereby hearing of Special Civil Suit No. 24 of 2021 was deferred, which amounts to a stay of the proceedings. However, while passing the impugned order dated 06.05.2025, the learned

Commercial Court, Latur, failed to appreciate the fact that the learned District Judge-2, Pune, having no jurisdiction to try and decide Special Civil Suit No. 24 of 2021, whereas the suit filed by the present petitioner, bearing Commercial Suit No. 1 of 2024 before the Commercial Court, Latur is empowers to grant relief in the commercial suit. Therefore, subsequent suit filed by the petitioner/plaintiff is not hit by Section 10 of C.P.C.. However, the Commercial Court, Latur, failed to consider scope of Section 10 of the C.P.C., and granted a stay of the proceedings foreclosing statutory right of the petitioner to seek injunction in respect of infringement trademark on part of the present Respondent.

17. In support of these submissions, the learned counsel for the petitioner placed reliance on the judgment in ***ASPI Jal and Another v. Khushroo Rustom Dadyburjor, (2013) 4 SCC 333***, wherein the Hon'ble Apex Court relied on ***National Institute of Mental Health & Neuro Services Vs. C. Parameshwara, (2005) 2 SCC 256***. The Hon'ble Apex Court considered scope of Section 10 of the C.P.C., and held that, where a suit is instituted in a court to which the provisions of the C.P.C. apply, such court shall not proceed with the trial of another suit in which the matter in issue is also directly and

substantially in issue is a previously instituted suit between the same parties. For the application of the provisions of Section 10 of the C.P.C., it is further required that the court in which the previous suit is pending is competent to grant the claimed relief. The use of the negative expression in Section 10, namely, “no court shall proceed with the trial of any suit,” makes the provision mandatory, and the court in which the subsequent suit has been filed is prohibited from proceeding with the trial of that suit if the conditions laid down in Section 10 of the Code are satisfied. The basic purpose and underlying object of Section 10 of the Code is to prevent courts of concurrent jurisdiction from simultaneously entertaining and adjudicating upon two parallel litigations in respect of the same cause of action, the same subject matter, and the same relief. This provision seeks to confine the plaintiff to one litigation so as to avoid the possibility of contradictory verdicts by two courts in respect of the same relief and is intended to protect the defendant from multiplicity of proceedings.

18. Per contra, the learned counsel appearing for the respondent canvassed that, on 25.06.2021, the respondent filed Special Civil Suit No. 24 of 2021 before the learned District Judge,

Pune, and specifically prayed for a declaration and injunction restraining the present petitioner/defendant in the previous suit from using any trademark “Champion” identical to the respondent’s trademark for carrying on the business of oil or any other type of edible oil on ground that the respondent is holding registration for said trademark. However, the present petitioner, who is the defendant in former suit filed the subsequent Commercial Suit No. 1 of 2024 on 30.11.2024 before the Commercial Court, Latur, and prayed for a injunction restraining the respondent from using the trademark “Champion” in respect of edible oil. Consequently, the respondent filed application Exh. 15 under Section 10 of the C.P.C., praying for a stay of the suit.

19. On 06.05.2025, the learned District Judge-2 and Commercial Court, Latur, passed the impugned order and stayed said commercial suit till decision of earlier Special Civil Suit No.24 of 2021 on the ground that, the subject matter of previous suit and subsequent suit is same and both the suits are pertaining to commercial dispute in respect of using trademark “Champion”, for carrying the business of edible oil. Therefore, principle of “*res subjudice*” is applicable envisage under Section 10 of C.P.C.,

therefore, to prevent multiplicity of suits and contradictory judgments further proceeding of Commercial Suit No.1 of 2024 is stayed, hence prayed for dismissal of the petition.

20. In the case in hand, it is not in dispute that on 25.06.2021, the respondent herein (plaintiff in previous suit), filed Special Civil Suit No.24 of 2021 before the learned Additional Session/District Judge, Pune and prayed for injunction against the present respondent (defendant in previous suit) for using any trademark similar to the registered trademark “Champion”.

21. Sec. 134 and 135 of Trade Mark Act, 1999 provides as under:

Sec. 134. Suit for infringement, etc., to be instituted before District Court.—(1) No suit—

*(a) for the infringement of a registered trade mark; or
(b) relating to any right in a registered trade mark; or
(c) for passing off arising out of the use by the defendant of any trade mark which is identical with or deceptively similar to the plaintiff's trade mark, whether registered or unregistered, shall be instituted in any court inferior to a District Court having jurisdiction to try the suit.*

(2) For the purpose of clauses (a) and (b) of sub-section (1), a District Court having jurisdiction shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or any other law for the time being in force, include a District Court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or proceeding, or, where there are more than one such persons any of them, actually and voluntarily resides or carries on business or personally works for gain.

Explanation.—For the purposes of sub-section (2), —person includes the registered proprietor and the registered user.

Sec. 135. Relief in suits for infringement or for passing off.

(1) The relief which a court may grant in any suit for infringement or passing off referred to in section 134 includes injunction (subject to such terms, if any, as the court thinks fit) and at the option of the plaintiff, either damages or an account of profits, together with or without any order for the delivery-up of the infringing labels and marks for destruction or erasure.

(2) The order of injunction under sub-section (1) may include an ex parte injunction or any interlocutory order for any of the following matters, namely:—

(a) for discovery of documents;

(b) preserving of infringing goods, documents or other evidence which are related to the subject-matter of the suit;
(c) restraining the defendant from disposing of or dealing with his assets in a manner which may adversely affect plaintiff's ability to recover damages, costs or other pecuniary remedies which may be finally awarded to the plaintiff.

(3) Notwithstanding anything contained in sub-section (1), the court shall not grant relief by way of damages (other than nominal damages) or on account of profits in any case;

(a) where in a suit for infringement of a trade mark, the infringement complained of is in relation to a certification trade mark or collective mark; or

(b) where in a suit for infringement the defendant satisfies the court—
(i) that at the time he commenced to use the trade mark complained of in the suit, he was unaware and had no reasonable ground for believing that the trade mark of the plaintiff was on the register or that the plaintiff was a registered user using by way of permitted use; and

(ii) that when he became aware of the existence and nature of the plaintiff's right in the trade mark, he forthwith ceased to use the trade mark in relation to goods or services in respect of which it was registered; or

(c) where in a suit for passing off, the defendant satisfies the court—
(i) that at the time he commenced to use the trade mark complained of in the suit, he was unaware and had no reasonable ground for believing that the trade mark for the plaintiff was in use; and

(ii) that when he became aware of the existence and nature of the plaintiff's trade mark he forthwith ceased to use the trade mark complained of.

22. On scrutiny of Section 134 of Trade Marks Act, it appears that for infringement of a registered trade mark or any right in respect of a registered trade mark or passing off arising out of the use of any trade mark which is identical with or deceptively similar to the plaintiff's trade mark, shall be instituted in any court inferior to the District Court having jurisdiction to try the suit. Sub-section (2) of Section 134 provides that a District Court having jurisdiction, shall notwithstanding anything contained in the Code of Civil Procedure, or any other law for the time being in force, include a District Court within the local limits of whose jurisdiction, at the time of the institution of the suit, the person instituting the suit, the plaintiff or where any defendant instituting a proceeding voluntarily resides or carries on business.

Section 135 of the Trade Marks Act, provides for relief in the suits for infringement or for passing off registered trade mark including injunction, damages or an account of profits.

23. Section 2(b) of the Commercial Courts Act, provides definition of Commercial Court, as under:-

“(b) “Commercial Court” means the Commercial Court constituted under sub-section (1) of section 3.”

24. On 27.08.2019, the State Government issued Notification in exercise of its powers under the Commercial Courts Act and designated the commercial courts as per amended ordinance 2018 in respect of commercial disputes having pecuniary value of Rs.50,00,000/- (Rupees Fifty Lakh). The court of learned Civil Judge Senior Division, in district headquarter is designated as commercial court for deciding commercial disputes specified value upto and inclusive of Rs. 1,00,00,000/- (Rupees One Crore). The learned District Judge-2 is appointed as commercial court under the Commercial Courts Act at Headquarter for deciding commercial disputes of specified value above Rs. 1,00,00,000/- (Rupees One Crore).

25. Section 2(1)(c)(xvii) of the Commercial Courts Act provides that “commercial dispute” relates to intellectual property rights relating to registered and unregistered trademarks, copyright, patent, design, domain names, geographical indications and semiconductor integrated circuits.

26. Needless to say, the present respondent (plaintiff in the previous suit) filed reply Exh. 18 to Exh. 17 an application for return

of plaint in Special Civil Suit No. 24 of 2021 and admitted that the suit filed by him is a commercial dispute and suit required to be listed before the Commercial Court. However, due to administrative oversight on the part of Officer of the Court it was listed before the learned Additional Sessions/District Judge, Pune. Admittedly, the learned Additional Sessions/District Judge, Pune is not designated as Commercial Court under the Government Notification dated 27th August 2019. Therefore, said court having no jurisdiction to grant the relief, which has been claimed by the present Respondent.

27. Needless to say, on 28.01.2024, the learned Additional Sessions/District Judge, Pune, passed an order below Exh. 17 in Special Civil Suit No. 24 of 2021. However, on 19.03.2025, the coordinate bench of this Court at the Principal Seat passed the order in Civil Revision Application No. 146 of 2025, directing the learned District Judge, Pune, to defer hearing of said suit till 23.04.2025. Subsequently, on 02.07.2025, said Revision not been heard due to paucity of time and it was adjourned to 24.09.2025 and directed to continue earlier interim order till next date. However, subsequently said interim order not extended because it was not enlisted. Under

these circumstances, there is presumption that the earlier interim order is continued.

28. It is an admitted fact that, on 30.11.2024, the present petitioner filed Commercial Suit No.1 of 2024 before the Commercial Court at Latur, having jurisdiction to try and decide the commercial dispute between the petitioner and respondent. The Special Civil Suit No.24 of 2021 filed by the respondent before the learned Additional District Judge, Pune but said Court is not designated as Commercial Court within the meaning of Section 2(b) of the Commercial Courts Act and under Notification dated 27th August 2019. Therefore, said Court is not competent to grant the relief prayed in said suit.

29. In the case in hand, the legal question involves that the plaintiff who is the defendant in subsequent suit, though filed the suit before the Court which is not having jurisdiction to grant relief and the subsequent suit filed by the defendant before the competent Court having jurisdiction to grant relief, can stay the subsequent suit under Section 10 of C.P.C. The core issue involved around the interplay between the jurisdictional provisions of the Trade Marks Act and the Commercial Court Act 2015, particularly in determining whether the

designated Commercial Court having authority to entertain such suit as well as the Court dealing with the commercial dispute who has not been designated as Commercial Court under the Commercial Courts Act, can entertain and decide the suit.

30. Needless to say that the Commercial Courts Act having overriding effect of the legislature intend to expedite commercial dispute at various levels by constituting the specialized Courts. Therefore, though under Section 134(2) of the Trade Mark Act, 1999, the suit pertaining to infringement of Trademark is to be instituted before the District Court but due to overriding effect of the Commercial Courts Act, said commercial dispute required to be adjudicated by the Commercial Court because the Commercial Court Act having overriding effect to Section 134 of the Trade Marks Act. As per Section 10 of C.P.C., the trial of the subsequent suit can only be stayed when the court trying the previous suit having jurisdiction to grant relief in the subsequent suit.

31. In *Minocher Behranji Damania Vs. Homa N. Dadachanji others*, 1981 Mh.L.J. 659, the plaintiff had filed a suit in the City Civil Court for declaration of trespass, possession and injunction

against the defendant. The defendant had previously filed a suit in the Small Causes Court for a declaration of tenancy. The learned City Civil Court stayed the suit under Section 10 of the C.P.C., on ground that the subject matter of both suits was the same and the Small Causes Court had no jurisdiction to grant the relief claimed in the City Civil Court. Under these circumstances, the co-ordinate bench of this Court at Principal Seat held that, the stay order was not valid, because of the Small Cause Court did not have jurisdiction to grant relief claimed in the City Civil Court suit and as per Section 10 of the C.P.C., previously instituted suit must be pending in a Court that has jurisdiction to grant relief claimed in the subsequent suit. Therefore, Section 10 of C.P.C. would apply if the earlier suit is instituted in a court which is having jurisdiction to grant relief claimed in the suit and the subsequent suit is also instituted in the court having jurisdiction to grant such relief. Merely, the earlier suit is pending before the Court having no jurisdiction to try and decide or to grant relief prayed in the earlier suit and if the subsequent suit is pending before the competent Court having jurisdiction to grant relief claimed in the suit. In such circumstances, the subsequent suit is not liable to be stayed as both the suits cannot said to be parallel suits.

32. Relying upon the judgment of the Hon'ble Supreme Court in *ASPI Jal vs. Khushroo Rustom Dadyburjor*, (2013) 4 SCC 333, the Delhi High Court in *H. S. Sahni Vs Mukul Singhal*, (2022) 1 HCC (Del) 155, observed in para 22 & 23, as under:

"22. Even in Aspi Jal (supra), which is relied upon by the learned senior counsel for the plaintiff, the Supreme Court has reiterated that the use of the negative expression in Section 10 CPC makes the provision mandatory and the court in which the subsequent suit has been filed is prohibited from proceeding with the trial of that suit. It was reaffirmed that the basic purpose and the underlying object of Section 10 of the Code is to prevent the courts of concurrent jurisdiction from simultaneously entertaining and adjudicating upon two parallel litigations in respect of same cause of action, same subject matter and the same relief. The objective is also to avoid the possibility of contradictory verdicts by two courts in respect of the same relief and is aimed to protect the defendant from multiplicity of proceedings.

23. The fundamental test that is to be applied to determine whether Section 10 was applicable or not, is to see whether on the final decision being reached in the first suit, such decision would operate as res-judicata in the subsequent suit. Where there was "identity of matter" in both the suits i.e., the whole of the subject matter in both the proceedings were identical, even if further reliefs were claimed in the subsequent suit, it would be immaterial and the second suit would necessarily have to be stayed."

33. It is pertinent to note that, the coordinate bench of this Court at Principal Seat, directed the Additional Sessions/District

Judge, Pune to defer hearing of Special Civil Suit No.24 of 2021 and said interim order not yet vacated. Therefore, by the impugned order dated 06.05.2025, passed by the learned District Judge-2 / Commercial Court, Latur, could not have stay proceeding of Commercial Suit No. 1 of 2024 by invoking Section 10 of C.P.C. However, the learned trial Court misinterpreted provisions of Commercial Court Act and Government Notification and wrongly held that, the learned District Judge, Pune, having jurisdiction and competent to dispose of the Special Civil Suit No.24 of 2021 and principle of “*res subjudice*” under Section 10 of C.P.C., is applicable. Therefore, to my considered view, impugned order is illegal, bad in law, hence, liable to be quashed and set aside. In view of above discussion, the present Writ Petition needs to be allowed. Accordingly, I proceed to pass the following order:-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 06.05.2025 passed by the Learned District Judge-2 / Commercial Court, Latur, below Exhibit-15 in Commercial Suit No.1 of 2024, is hereby quashed and set aside.

- (iii) The trial Court is directed to proceed with Commercial Suit No.1 of 2024, as per law.
- (iv) Accordingly, Rule is made absolute.

[Y. G. KHOBRADE, J.]

34. Later on, the learned counsel appearing for the respondent prayed for stay to the effect and operation of the impugned order for a period of four weeks to enable him to approach before the appropriate Court. However, the said request is hereby rejected as no substantial ground is set out.

[Y. G. KHOBRADE, J.]

SMS