

Sequeira

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

WRIT PETITION NO. 4959 OF 2015

Shri Jagannath Keru Rajole.

.. Petitioner

Vs.

Shri Shivaji Baburao Rajole & ors.

.. Respondents

Ms.Pooja Joshi i/b S.R.Ganbavale, for the Petitioner.

None for Respondents.

***CORAM : N.M.Jamdar, J.
Tuesday, 27 September 2016.***

P.C. :

By this Petition the Petitioner has challenged the order dated 19 June 2013 passed by the learned Civil Judge, Senior Division Sangli allowing the application of the Respondent-Plaintiff and providing police aid whenever required.

2. The learned Civil Judge has found that interim injunction has already been granted. The Miscellaneous Appeal has been dismissed and the order of injunction has been confirmed. In the circumstances the learned Civil Judge has exercised his discretion in directing the police aid as well as not appointing the Court Commissioner. Once the trial Court as well as the appellate Court has confirmed injunction in favour of the Respondent-Plaintiff, the order passed by the learned Civil Judge cannot be said to be perverse. The impugned order is

passed in June 2013. The Petition has been filed in July 2013. When it appeared on board earlier none had appeared for Petitioner and it was adjourned. In the circumstances, no interference is warranted in the impugned order. In any case the suit is pending which will be decided on its own merits. Writ Petition is rejected.

(N.M.Jamdar, J.)