

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7132 OF 2016

01 Sulochanabai w/o Ramesh Chalke,
age: 60 years, Occ: H.H.

02 Jyoti w/o Vasant Kidile,
age: 45 years, Occ: H.H.

Both R/o At present Venkatesh
Kirana Near Jijau Hostel,
Mantri Nagar, Latur, Tq.Latur,
District Latur.

03 Vasant s/o Madhavrao Kidile,
age: 48 years, Occ: service,
R/o Ujed, Tq. Shirur-Anantpal,
District Latur.

Petitioners

Versus

Subhash s/o Manikrao Sonar,
age: 62 years, Occ: Business,
R/o Sakol. Tq. Shirur-Anantpal,
District Latur.

Respondent

Mr.N.D.Kendre, advocate for the petitioners
Mr.M.B.Kolpe, advocate for the Respondent.

CORAM : S.B.SHUKRE, J.
DATE : 08th February, 2017

ORAL JUDGMENT :

1 Heard. Rule. Rule made returnable forthwith and
heard finally by consent of learned Counsel for respective parties.

2 By the impugned order dated 21.06.2016, what has
been granted is only police protection and that is in pursuance to

the order of temporary injunction dated 12.04.2016, which restrains the defendant from causing interference to the suit property. Now, it is the contention of the defendant that he is in possession of the suit property. Then, appropriate remedy, by way of filing an appeal, is available to the defendant and it would not be permissible for him to challenge the order dated 21.06.2016, which only grants police protection on the ground that such an order is obstruction to his assertion of possession of the suit property. In fact, the impugned order, in its present nature, neither causes any prejudice to him nor any such prejudice has been demonstrated before this Court. Writ Petition is without merit.

3 In the result, writ petition stands dismissed. No costs. Rule discharged. It is observed that if such an appeal is filed, leave to seek appropriate remedy in the appeal proceedings.

S.B.SHUKRE
JUDGE

adb/wp713216