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

WRIT PETITION NO. 1442 OF 2020

Diety Health

... Petitioner

V/s.

The Union of India and Ors.

... Respondents

Mr. Prakash Shah a/w. Mr. Jas Sanghavi i/b. PDS Legal for the
Petitioner

Mr. Pradeep S. Jetly a/w. J.B. Mishra for the Respondents.

Jyoti P.
Pawar

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by Jyoti P.
Pawar
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***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 12 FEBRUARY 2020.

P.C. :-

This Petition was filed since the goods imported by the Petitioner were not cleared and no provisional release order was passed and directions were sought to do so. The learned Counsel for the Petitioner states that during the pendency of this Petition the order of provisional release has been passed. The Petitioner is not satisfied with the order and seeks leave to amend the Petition to challenge the order of provisional release.

2. The order of provisional release passed under the statute is a separate cause of action for which an independent proceedings need to be filed. The Petitioner wishes to file a Petition to challenge the order of provisional release. The Respondents states that an appeal is maintainable. The Petitioner states that the order is in breach of principles of natural justice. This aspect would be considered if and when the Petitioner files a fresh Petition. Observing thus, the Petition is disposed of.

M.S. KARNIK, J.

NITIN JAMDAR, J.