

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

WRIT PETITION NO.1162 OF 2019

Naushad Ahmed Usman Patel

...Petitioner

vs.

Commissioner of Police Mumbai and Ors.

...Respondents

Mr. Jitesh Agarvwal for the Petitioner.

Smt. Aruna S. Pai, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 20/1/2020.

PC.:

. The petitioner tenant is desperately trying to carry out repairs as per the interim order granted to him by City Civil Court, Greater Bombay. That interim order is dated 11/12/2017.

2. The petitioner has approached this Court earlier in Writ Petition No.142/2018 and Division Bench of this Court has on 1/2/2018 found it premature. Petitioner thereafter has made representations again to the police authorities and because the same did not yield any result he has approached this Court.

3. Learned APP points out that the police authority has already asked the landlord not to oppose the said repair work.

4. Learned counsel for the petitioner states that on one of the representations tendered, the authority has informed the petitioner that it will not provide police protection.

5. We find that the petitioner is executing the order passed by the trial Court in his favour however he is not in position to execute it. As execution is being obstructed, he has to move suitable application before trial Court. Trial Court in that event can pass suitable orders including order granting police protection.

6. Here we find that the petitioner has moved trial Court only to extend time of it's interim order.

7. Hence, with liberty to the petitioner to move application afresh before the trial Court for removal of said obstruction in accordance with law and with direction to trial Court to take decision upon it thereafter in next 6 weeks, we dispose of the petition.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)