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

WRIT PETITION 8328 OF 2022

Sushma Jitendra Jagtap

... Petitioner.

Versus

M/s. Satish Bora And Try Builders

... Respondent.

Mr. Ashish Verma, Advocate a/w. Mr. Dhanraj Lodha for the
Petitioner.

Mr. L. M. Acharya, Advocate a/w. Mr. Aniket Worlikar i/by
Parth P. Shah for Respondent.

CORAM : ROHIT B. DEO, J.

DATE : JULY 14, 2022

P.C. :-

1. The challenge in the petition is to an order rendered in special civil suit 679 of 2022, whereby police protection is granted to facilitate the plaintiff to execute or implement the order of temporary injunction.

2. It is not in dispute that the petitioner / defendant has challenged the substantive order of temporary injunction in Miscellaneous Civil Appeal 183 of 2022, which is fixed for hearing on 18.07.2022.

3. In this view of the matter, I do not see any propriety in directly entertaining the challenge to the order of police protection.

4. The petitioner / defendant is permitted to agitate the grievance, if necessary, by preferring appropriate application or by pressing the application for interim relief in the Miscellaneous Civil Appeal 183 of 2022.

5. The apprehension of the learned counsel for the petitioner / defendant is that the respondent may avoid appearing in appeal by delaying the service of notice.

6. At this stage, there is no material before this Court to examine correctness or otherwise of the apprehension. However, the learned counsel for the respondent in appeal- Mr. L.M. Acharya has fairly stated, on the basis of the instructions received, that the respondent shall appear suo-motu in Miscellaneous Civil Appeal on 18.07.2022 at 11 a.m. and shall abide by further orders in appeal.

7. No formal notice need be issued by the Appellate Court.
8. The learned counsel for the petitioner has handed over copy of the paper book in appeal to the learned counsel Mr. L. M. Acharya for the respondent.
9. Leaving all contentions open, the Petition is disposed of.

(ROHIT B. DEO, J.)

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