

SA Pathan

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

WRIT PETITION NO.13379 OF 2023

Rajesh Suresh Chauhan

... Petitioner

V/s.

The Collector Palghar & Ors

... Respondents

SHABNOOR
AYUB
PATHAN

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Mr. Prajakt Arjunwadkar, for petitioner.

Mr. P. P. Pujari, AGP, for the Sate-respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 27, 2023

PC.:

1. By this writ petition under Article 227 of the Constitution of India, the petitioner is challenging order passed by the Trial Court refusing to continue ad-interim relief after disposal of temporary injunction application.

2. It is undisputed that the petitioner has already filed appeal under Section 104 of the Code of Civil Procedure, 1908 for continuation of ad-interim relief. The proper remedy is to apply before the Appellate Court before whom appeal under Section 104 is pending. Hence, by granting liberty to the petitioner to apply before the Appellate Court, the writ petition is disposed of in above terms. No costs.

(AMIT BORKAR, J.)