

Nikita

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

WRIT PETITION NO.1490 OF 2023

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Hamid Jamal Shaikh and Ors. ... Petitioners

V/s.

Vijay Bhagwan Aapune and Anr. ... Respondents

Mr. Ashok B. Tajane for the Petitioner.

Mr. Abhijit Kulkarni a/w Mr. Krushna Jaybhay a/w Mr.
Gaurav Shahane for the Respondents.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 19, 2023

PC.:

1. By the impugned order the petitioner is challenging an order passed by the Trial Court in exercise of power under Section 151 of Code of Civil Procedure, 1908.

2. The Trial Court by interim order directed the petitioner not to disturb the possession of respondents over the suit property. The order of temporary injunction is in force however, according to the respondent, the petitioners tried to obstruct the possession of the respondents over the suit property which had effect of disturbing law and order situation. The Trial Court, therefore, relying on judgment of this Court in the case of **Smt. Nirabai J. Patil Vs. Narayan D. Pati**, (AIR 2004 Bombay, 225) held that in such a case, the Trial Court has power to exercise of jurisdiction under

Section 151 of Code of Civil Procedure, 1908. There is no legal infirmity in the order.

3. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)