

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7414 OF 2018

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Date: 2024.12.04
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Dhananjay Manohar Kalasekar

... Petitioner

V/s.

Bharat Ramchandra Golvankar

... Respondent

None for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 4, 2024

P.C.:

1. By the impugned judgment and order, the Appellate Court has confirmed the judgment and order passed by the Trial Court directing the petitioner to remove fencing erected on a road. Both the Courts below have concurrently allowed the plaintiff's application for temporary injunction by recording satisfaction about fulfillment of parameters laid down by the Supreme Court in the case of **Dorab Cawasji Warden vs. Coomi Sorab Warden & Ors.** reported in AIR 1990 SC 867.

2. The order of injunction is in force against the petitioner since 20 March 2018. Therefore, no interference is called for in the impugned orders. However, all questions raised by the petitioner on merits are kept open to be agitated at the time of hearing of the suit.

3. The writ petition is, therefore, dismissed.
4. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)