



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2333 OF 2025**

Vaishali Ganesh Kokane	...	Petitioner
versus		
Nikhil Narayan Bakle	...	Respondent

Mr. Rameshwar N. Gite with Mr. Sushant N. Tare with Mr. Hiten A. Raut, for
Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 20 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 19 December 2024 whereby the learned Civil Judge, Yeola was persuaded to direct the Police Inspector, Taluka Police Station to provide police aid to the Plaintiff-Respondent to shift the gas cylinder and other materials from the godown on payment of necessary charges.
3. The impugned order came to be passed in pursuance of the order dated 10 October 2022, whereby the Petitioner-Defendant has been temporary restrained from causing obstructing to the possession of the Plaintiff over the suit property till the decision of the suit.
4. Learned Counsel for the Petitioner submitted that the Respondent is not, in fact, in possession of the suit property. On account of the relation between the parties, an enterprise was opened in the name of the

Respondent. However, the actual possession is with the Petitioner. An appeal has been preferred against the order dated 10 October 2022. If the order passed by the learned Civil Judge on 10 October 2022 is executed with police aid, the appeal would become infructuous.

5. I am afraid, none of the aforesaid grounds can be countenanced to assail the impugned order. Preferring an appeal against the order dated 10 October 2022, does not operate as a stay to the effect and operation of the said order. The Petitioner is duty bound to observe the injunction order until it is reversed or set aside. Disobedience of injunction cannot be countenanced.

6. From this standpoint, the impugned order is in the nature of giving meaning and effect to the order of temporary injunction. Section 151 of the Code of Civil Procedure, 1908, is elastic enough to include within its fold such an order. No interference is, thus, warranted in the supervisory jurisdiction.

7. The Writ Petition stands dismissed.

8. By way of abundant caution, it is clarified that the Appeal Court shall not be influenced by the dismissal of this Petition.

(N.J.JAMADAR, J.)