

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.337 OF 2015
IN
REGULAR CIVIL SUIT NO.262 OF 2014

Nandkishore Kishanlal Lahoti ..PETITIONER

VERSUS

State of Maharashtra & anr. RESPONDENTS

Mr R.F. Totala, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 22nd July, 2015

ORAL ORDER :

Mr Totala, learned Counsel appearing on behalf of the petitioner made two fold contentions, (i) that the power under Order 39, Rule 2-A of the Code of Civil Procedure, which provides remedy for breach of injunction, cannot operate as a bar as regards availability of alternate remedy while entertaining contempt petition against the order of breach of ad interim injunction passed by the Trial Court in a suit for injunction and (ii) that the respondent/defendant to the suit has no respect for law, as in spite of the notices issued by the Planning Authority, respondent no.2 has not stopped the construction.

2. This Court is not inclined to exercise the contempt jurisdiction in the above noted background of facts, particularly when same is preferred

alleging non-compliance of an order of ad interim injunction passed by the Trial Court.

3. In view thereof, contempt petition stands dismissed with no order as to costs with liberty to canvass the issue before appropriate forum.

(N.W. SAMBRE, J.)

amj