

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CONTEMPT PETITION NO.94 OF 2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. RajeshKanojia a/w. Deepika Motagi i/b.
Respondent Juris for the Petitioner

CORAM : K. K. TATED, J.

DATE : APRIL 7, 2015

P.C.:

1. Heard. By this petition, the Petitioner Plaintiffs makes a grievance that the Respondent Defendant violated the order dated 25/06/2012 passed by the Bombay City Civil Court, Mumbai in draft Notice of Motion in Short Cause Suit No.1318/2012 by which the Trial Court restrained the Respondent Defendant from dispossessing the Plaintiff from the suit premises i.e. Room No.144, Building No.10, Old Siddharth Nagar, Transit Camp, Goregaon (W), Mumbai – 400104.

2. The learned counsel for the Petitioner submits that in spite of the ad-interim relief granted by the Trial Court on 25/06/2012, the Respondent demolished the entire suit structure.

As such, the Respondent committed the contempt of court.

3. It is to be noted that the Petitioner has an alternative remedy under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908. Hence, the contempt petition stands dismissed with liberty to the Petitioner to prefer an appropriate application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, if they so desire.

JUDGE