

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

CONTEMPT PETITION NO.203 OF 2015

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. Rohan H. Barge for the Petitioner

CORAM : K. K. TATED, J.
DATE : MARCH 25, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Petitioner, the matter is taken on board for urgent orders.

2. By this petition, the Petitioner alleges that the Respondent original Defendant, in violation of order dated 24/03/2011 passed by the learned District Judge – 5 Thane in Misc. Civil Appeal No.28/2011 started redevelopment activities in respect of Shradha Apartment Owners' Association Sector 10, Vashi, Navi Mumbai.

3. It is to be noted that the Petitioner has an alternate remedy under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908. The Apex Court in the matter of *Kanwar Singh Saini Vs. High*

Court of Delhi 2012 (4) SCC 307 held that appropriate remedy for the Plaintiffs for enforcement of order is to file an Application under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908.

4. Considering the submissions made by the learned counsel for the Petitioner and the order passed by the learned District Judge – 5 Thane, I am of the opinion that the Petitioner has an alternate efficacious remedy available.

5. Hence, I do not find any substance in the present petition. The contempt petition stands rejected with liberty to prefer an appropriate Application, if they so desire under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908.

JUDGE