

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L) NO.506 OF 2015
ALONGWITH
NOTICE OF MOTION (L) NO.1623 OF 2015
IN
CONTEMPT PETITION NO.72 OF 2014
IN
NOTICE OF MOTION NO.1301 OF 2013
IN
SUIT NO.458 OF 2013**

Sunil Bhagat

..... Appellant.

V/s

Kavita Bhagat

.....Respondent.

Mr. Piyush Raheja i/b M/s. R.V. J. Associates for the Appellant.
Mr. Kunal Dwarkadas alongwith Ms. Mona Malvade i/b
Chambers of Javed Gaya for the Respondent.

**CORAM: V.M. KANADE &
B.P. COLABAWALLA, JJ.**

DATE : 1st July, 2015

P.C.:-

1. Main appeal is taken up on board for final hearing by consent of the parties.
2. Appellant is aggrieved by the orders passed by the learned Single Judge dated 06/05/2015 & 07/05/2015.
3. Preliminary objection is raised by the learned Counsel appearing on behalf of the Respondent that this appeal is not

maintainable since no order under Contempt of Courts Act has been passed.

4. We have perused the impugned orders. Certain directions have been given by the learned Single Judge for purging the alleged contempt. However, no final order has been passed in the said Contempt Petition. We are, therefore, of the view that appeal against the said orders is not maintainable.

5. It is open for the appellant to inform the learned Single Judge difficulties faced by him in selling the property as per the proposal given by him to the Court. We are informed that the appellant has also filed an application for setting aside the ex parte order. In any case, at this stage, no order can be passed in this appeal since appeal itself is not maintainable.

6. Appeal is dismissed as not maintainable. All contentions raised by both the parties are kept open. Interim order to continue for a period of two weeks. Since appeal itself is disposed of, Notice of Motion does not survive and the same is also disposed of.

(B.P. COLABAWALLA, J.)

(V.M. KANADE, J.)