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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 8986 OF 2015

Mr. Chhaganbhai B. Chauhan.

... Petitioner.

V/s.

The State of Maharashtra & Ors.

... Respondents.

Mr. Ditendra Mishra for the Petitioner.

Mr. A.R. Metkari, AGP for Respondents 1.

CORAM : N.M. Jamdar, J.

31 August, 2016.

Oral Order :-

The Petitioner has filed this Writ Petition seeking an order that the Respondents are guilty of having committee contempt and breach of the disobedience of the order of the City Civil Court dated 28 May 2007. The Writ Petition is filed on 15 January 2013. When called out, the learned Counsel for the Petitioner states that he has just received instructions to appear in the matter and seeks time. If the Petitioner wanted to change his Advocate, he cannot do so last minute.

2. Even otherwise the Petitioner has already taken up a Contempt Notice of Motion in the City Civil Court. In this Contempt Notice of Motion, the Petitioner had sought ad-interim orders and by order dated 14 September 2012, ad-interim orders were not granted and the Notice of Motion was adjourned for hearing. Therefore, the Petitioner has already invoked jurisdiction of the learned City Civil Court Judge by filing a Notice of Motion in respect of the action of the Respondents. It appears that though ad-interim relief is refused, the Notice of Motion was directed to be registered and made returnable.

3. There is no question of grant of any ad-interim relief at this stage. The Notice of Motion which is pending will be considered by the learned City Civil Court Judge on its own merits. If the Notice of Motion is disposed of, remedies are open to the Petitioner to challenge the order in appropriate proceedings. The Writ Petition is accordingly disposed of.

(N.M. Jamdar, J.)