

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.31 OF 2013

Smt. Shakuntala Prakash Bansode & Ors. .. Petitioners
-Versus-
Vasant Dharma Surve & Ors. ..Respondents

Mr. Jayesh Pillai i/b. Z.H.Pardiwala & Co. for petitioners
Mr. A.R.Metkari, AGP for Respondent No.3 State
Mr. Sham Solanki i/b. Pratap Patil for respondent No.4

CORAM : G.S. KULKARNI, J.

DATE : 23rd August 2016.

P.C.

1] Heard learned Counsel for the petitioner. The alleged contempt is of an order passed below Exh.5 by which the learned trial Judge has granted injunction restraining the defendants in the following terms:-

“Defendants, their agents, servants are hereby restrained from dealing the suit property till next date except the terms of agreement dated 27.12.2015.”

2] The learned Counsel for the petitioner fairly states that already contempt jurisdiction of the trial court under Order XXXIX Rule 2(A) has been invoked. It is his submission that this order is breached by the respondents entering into a further agreement. That would not permit the

petitioner to approach this Court and when proceedings under Order XXXIX Rule 2(A) are already invoked. The petitioner is at liberty to pursue the proceedings pending before the trial court. These parallel proceedings when the petitioner has already availed a remedy under Order XXXIX Rule 2(A) need not be entertained. Hence, the contempt petition is dismissed. No costs.

(G.S. KULKARNI, J.)