

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

CONTEMPT PETITION NO.238 OF 2017

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.A.A.Maniyar for the Petitioner

CORAM : K. K. TATED, J.

DATE : JUNE 30, 2017

P.C.:

1 Heard the learned counsel for the parties.

2 This Contempt Petition is filed by the Petitioner for taking action against the respondents for violating the order dated 16.1.2017 passed by this court in Writ Petition No.4165 of 2016.

3 The learned Counsel for the Petitioner submits that this court by order dated 16.1.2017 granted ad-interim relief in terms of prayer clause (b) in Writ Petition No.4165 of 2016 which reads thus:

“Pending the hearing and final disposal of this Writ Petition, hearing of the Application being Misc.Application No.273 of 2016 in 57th Metropolitan Magistrate Court, Kurla may be stayed.”

4 The learned Counsel for the Petitioner submits that inspite of the stay granted by this

court, respondent filed application before the Magistrate Court for hearing of M.A.No.273 of 2016.

5 The learned Counsel for the Petitioner submits that order passed by this court on 16.1.2017 was duly communicated to Advocate S.M.Shoaib on behalf of respondents. Hence, inspite of the order passed by this court, respondents proceeded with the matter and hence, they are liable for action under the Contempt of Court Act.

6 It is to be noted that Advocate S.M.Shoaib had not filed Vakalatnama on behalf of respondents in Writ Petition No.4165 of 2016. It is the case of the Petitioner that the said advocate was appearing on behalf of respondents in Trial Court. As order dated 16.1.2017 passed by this court in Writ Petition No.4165 of 2016 was not duly served on the respondents and not filed in the court before whom the M.A.No.273 of 2016 was pending for hearing on its own merits, I do not find any substance in the present Contempt Petition.

7 Hence, Contempt Petition stands rejected.

(K.K.TATED, J.)