

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CONTEMPT PETITION NO.460 OF 2017**

Ravi Narayan Gurram	]	Petitioner
Vs.		
Sitaram Ramharak Yadav & Ors.	]	Respondents

.....

None for the petitioner.

Mr. Jitendra Pathade, for Respondents No.1,2 and 4.

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CORAM : R.G. KETKAR, J.

DATE : 17TH JULY, 2018.

P.C.

None appears for the petitioner. Heard Mr. Pathade, learned Counsel for respondents No.1,2 and 4.

2. Perused the orders dated 5th June, 2018, 12th June, 2018 and 18th June, 2018.

3. This Contempt Petition is filed alleging breach of the order dated 12th June, 2017 passed by the learned Joint Civil Judge, Junior Division, Vashi, Navi Mumbai below Exhibit 5 in R.C.S No.317 of 2017. By that order, the learned trial Judge issued ad-interim injunction restraining defendants No.1 to 4 from dispossessing the plaintiffs from the suit premises, without following due process law till their appearance. The learned trial Judge issued notice to the defendants as to why ad-interim relief granted in favour of the plaintiffs should not be continued till disposal of the suit, returnable on 28th June, 2018. The plaintiffs were to comply the mandatory requirements under Order-XXXIX, Rule-3 of the Code of Civil Procedure, 1908 (for short 'C.P.C').

4. On the last date of hearing i.e on 18th June, 2018, Mr. Pathade had tendered the order dated 15th January, 2018 passed by the learned trial Judge below Exhibit 22 in R.C.S No.317 of 2017. By that order, the learned trial Judge rejected the application Exhibit 22 taken out by the plaintiffs and imposed compensatory costs of Rs. 400/-. He submitted that by order dated 15th January, 2018, the learned trial Judge did not extend the interim order. The order dated 15th January, 2018 was taken on record and marked 'X' for identification.

5. In view of the subsequent development viz; the learned trial Judge has not extended interim injunction by order dated 15th January, 2018, no case is made out for invoking contempt jurisdiction. Apart from this, the petitioner ought to have filed proceeding under Order-XXXIX, Rule-2(A) of the C.P.C for the alleged breach of the injunction order.

6. For all these reasons, no case is made out for invocation of contempt jurisdiction. Hence, Contempt Petition fails and the same is dismissed.

[R.G. KETKAR, J.]