

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CONTEMPT PETITION NO.489 OF 2017**

Harsh Anil Thakkar] Applicant

Vs.

M/s. Capital First Limited & Anr.] Respondents

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None appears for the petitioner.

Ms. Anuja Jhunjunwala i/b Naik & Naik Co. Ltd, for respondent No.1.

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CORAM : R.G. KETKAR, J.

DATE : 19TH JUNE, 2018.

P.C.

None appears for the petitioner. Heard Ms. Jhunjunwala, learned Counsel for respondent No.1.

2. The matter was earlier listed on 6th June, 2018. Even on that date, none appeared for the petitioner. This Contempt Petition is filed alleging breach of order dated 26th July, 2016. By that order, the learned trial Judge had issued injunction restraining the defendant from disturbing plaintiff's occupation, possession and enjoyment of the suit premises till final disposal of the suit. In the order dated 6th June, 2018, it was expected from the petitioner to examine whether he can move application under Order-XXXIX, Rule-2A of the Code of Civil Procedure, 1908 (for short 'C.P.C.') before the trial Court for alleged breach of injunction order.

3. None appeared on 6th June, 2018. Therefore, Contempt Petition was ordered to be listed today under the caption 'for dismissal' in the supplementary board. Even today, none appeared for the petitioner. Petition is dismissed reserving liberty to the petitioner to file application under Order-XXXIX, Rule-2A of C.P.C for alleged breach of injunction order.

[R.G. KETKAR, J.]