

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

**CIVIL APPLICATION NO. 531 OF 2015
IN
APPEAL FROM ORDER (ST.) NO. 34584 OF 2014**

Chandrakant Krishna Shetty V/s. Municipal Corporation of Greater Mumbai & Ors.	...	Applicant
	...	Respondents

- None for the Applicant.
- Mr.Pradeep J. Thorat a/w. Mrs.Madhuri More for the Respondent-Corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th OCTOBER, 2018.

P.C. :

1] This is an application seeking condonation of delay of 39 days in challenging the Appeal against the order dated 26/09/2014 passed in Contempt Notice of Motion No. 1899 of 2014 filed in L.C. Suit No. 1056 of 2014. The said order was passed under Order-39 Rule-2A of the Code of Civil Procedure.

2] Learned counsel for the Respondent-Corporation brings to the notice of this Court that Appeal is not maintainable against such an order, as the proper remedy is Writ Petition. In this respect, he has

placed reliance on the judgment of this Court in the case of *Bholeshankar Awas Gruha Nirman Sahakari Sanstha Maryadit, Nagpur Vs. Omprakash Dwarkaprasad Malviya, 2008(5) Mh.L.J. 952.*

3] In view thereof, the Appeal is clearly not maintainable. That may be the reason, the Applicant and his Advocate are not interested in proceeding with the matter and hence, remained absent.

4] Therefore, the Civil Application and the Appeal stands disposed of as dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]