

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.391 OF 2016

Malati Vinod Zha	...Petitioner
vs.	
Vinod Ayodhya Zha	...Respondent

Mr. P.H. Padave, for the Petitioner
None for the Respondent

CORAM : M. S. SONAK, J.

DATE : APRIL 05, 2019

P.C.:

- . Heard Mr. Padave, learned counsel for the Petitioner.
2. The Petitioner in this case challenges the disobedience of the order dated 23rd March, 2016 made by the Jt. Civil Judge, Jr. Division, Kalyan. The operative portion of the said order read thus:

*“1. Application is allowed.
2. The defendant is hereby restrained by way of temporary injunction from disturbing peaceful possession of the plaintiff over the suit property of the plaintiff over the suit property i.e. House No. 550, bearing survey No. 121, Hissa No. 1 part at Village Davdi, Tal. Kalyan, Dist. Thane till conclusion of the suit.
3. Costs on cause.”*

3. According to me, in fact in the present case, it will be appropriate if the Petitioner is granted leave to take out the application under Order 39 Rule 2A of the CPC since the allegation

is really that the Respondent has disobeyed the injunction order willfully.

4. Mr. Padave on the basis of instruction seeks leave to withdraw this Petition with liberty to file application under Order 39 Rule 2A of CPC. He states that such application will be filed within four weeks from today.

5. If such application indeed filed within four weeks, the learned trial Judge to dispose of the same on its own merits and in accordance with law as expeditiously as possible and in any case within three months from the date it is actually filed.

6. With liberty as aforesaid, this Petition is disposed of.

7. All concerned to act on the basis of authenticated copy this order.

(M. S. SONAK, J.)