

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

**APPEAL FROM ORDER NO. 51 OF 2017**

|                                                |     |             |
|------------------------------------------------|-----|-------------|
| Sumit Sunil Shelar & Ors.                      | ... | Appellants  |
| V/s.                                           |     |             |
| Municipal Corporation of Greater Mumbai & Ors. | ... | Respondents |

- None for the Appellants.
- Mrs.Madhuri More for the Respondent-Corporation.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 21<sup>st</sup> JANUARY, 2019.**

**P.C. :**

1] None present for the Appellants.

2] This Appeal is preferred against the order passed by the Civil Civil Court, Mumbai, in Contempt Notice of Motion No.4897 of 2015 in L.C. Suit No.566 of 2015.

3] Learned counsel for the Respondent-Corporation brings to the notice of the Court the judgment of this Court in the case of *Bholeshankar Awas Gruha Nirman Sahakari Sanstha Maryadit Vs. Omprakash Dwarkaprasad Malviya & Ors.*, 2008 All M.R. 584, holding that the Appeal against rejection of application under Order 39 Rule 2A of the Civil Procedure Code, 1908 (*for short*, "C.P.C.") is not maintainable.

4] As in the present case also the Contempt Notice of Motion was rejected under Order 39 Rule 2A of CPC, the Appeal being not maintainable, stands dismissed.

**[DR.SHALINI PHANSALKAR-JOSHI, J.]**