

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CONTEMPT PETITION NO.178 OF 2017
WITH
CIVIL APPLICATION NO.96 OF 2018
IN
CONTEMPT PETITION NO.178 OF 2017**

**M/S.RAVI DEVELOPMENTS)
through its Partners)
JAYESH T. SHAH AND ANR.)...PETITIONERS**

V/s.

**MRS.LAXMIBAI SHRINATH @ GOPINATH)
GHARAT AND OTHERS)...RESPONDENTS**

Shri.Dhananjay Pathak, Advocate for the Petitioner.

Shri.Mayuresh Lagu, Advocate for the Respondent No.21.

CORAM : A. M. BADAR, J.

DATE : 8th NOVEMBER 2019

P.C. :

1 Heard the learned counsel appearing for the contempt
petitioner. He argued that respondent nos.20 and 21 have flouted
the order of status-quo granted by the learned Civil Court, Senior

Division, Thane, in an application at Exhibit 5 moved in Special Civil Suit No.511 of 2013, and therefore, they have committed contempt of the court.

2 I have considered the submissions so advanced. By this petition, the petitioner is praying for holding respondent nos.20 and 21 guilty of contempt as per provisions of Section 12 of the Contempt of Court Act, 1971.

3 An application for grant of temporary injunction came to be moved in Special Civil Suit No.511 of 2013 under Order 39 Rule 1 and 2 of the Code of Civil Procedure by the instant petitioner/original plaintiff. The learned Civil Court, Senior Division, Thane on 4th October 2013 passed an ad-interim exparte order of maintenance of status-quo in respect of the suit property in terms of Prayer Clause (b) of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure. If this order is breached, then the remedy lies to move an appropriate application by resorting to appropriate provision of Code of Civil Procedure

before the appropriate court. The contempt petition cannot lie before this court in such matter.

4 The petition is, therefore, dismissed.

5 In view of dismissal of the contempt petition, all pending applications stand disposed off.

(A. M. BADAR, J.)