

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

CONTEMPT PETITION NO. 99 OF 2018

Mr. Pradeep R. Dubey

... Petitioner.

V/s.

Mumbai Municipal Corporation and Others. ... Respondents.

Mr. B. P. Pandey, Advocate I/by Vivek Pandey, Advocate for
the Petitioner.

CORAM : K. K. TATED, J.

DATE : JANUARY 17, 2019.

PC :

1 Heard learned counsel for the Petitioner.

2 Learned Advocate for the Petitioner submits that as the Respondent -Corporation has violated the order dated 20th September, 2017 passed by the Bombay City Civil Court, Mumbai, the petitioner preferred the present contempt petition. During the course of the argument, the learned counsel for the petitioner submits that they have already filed the Notice of Motion No. 3257 of 2017 under Order 39 Rule 2(A) for the same cause of action and that the said Notice of Motion is pending for hearing on its own merits before the City Civil Court. He submits that in view of this, the contempt

petition may be permitted to be withdrawn with liberty to proceed with Notice of Motion preferred by the petitioner and that hearing of the Notice of Motion be directed to be expedited.

3 Considering the submissions made above, the contempt petition stands disposed of as withdrawn. Liberty is granted to the petitioner to make application before the City Civil Court for expediting the hearing of the Notice of Motion under Order 39 Rule 2(A) of the Civil Procedure Code.

4 The contempt petition stands disposed of in the above terms.

(K. K. TATED,J.)

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