

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.378 OF 2012

Mohan Laxman Bhagat .. Petitioner

Vs.

The Commissioner,
Thane Municipal Corporation & Ors. .. Respondents

...

Mr. P.B. Shah for the Petitioner.

Mr. R.S. Apte, Sr. Advocate i/b Mr. N.R. Bubna for Respondent
Nos.1 and 2.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 04th MARCH, 2020.

P.C:-

1. Heard learned counsel for the Petitioner and Mr. Apte, learned senior counsel appearing for the Respondent-Corporation.

2. The Contempt Petition is filed alleging breach of order dated 12/10/2010 passed by the 8th Joint Civil Judge, Senior

Division, Thane, below Ex-5 filed by the Petitioner in Regular Civil Suit No.132 of 2010. The Petitioner alleges willful disobedience of the said order and submits that the jurisdiction of this court in exercise of the contempt powers can be exercised to deal with the breach.

3. The submission of the Petitioner is totally misconceived. The Petitioner has an alternate and efficacious remedy of making an Application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 and, from the record, Mr. Apte, learned senior counsel for the Corporation, points out that the Petitioner has once availed the remedy when there was an alleged breach earlier, and necessarily the same course of action can be followed.

4. In such circumstances and since the contempt jurisdiction of this Court can be exercised sparingly, I decline to interfere and dismiss the Contempt Petition.

[SMT. BHARATI DANGRE, J.]