

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER(ST) NO. 18283 OF 2022
WITH
INTERIM APPLICATION NO. 17755 OF 2022
WITH
INTERIM APPLICATION (ST) NO.18285 OF 2022

Neptune Ventures and Developers Private
Limited and Others

...Appellants/Applicants

Versus

Mr. Ranveer Singh Shivdayal Shekhawat

...Respondent

...

Mr. Akshay Patil a/w Mr. Aditya Bapat i/by Mayur Thorat, for
Appellants/Applicants.

Mr. Jagdish B. Choudhary, for Respondent.

...

CORAM : SANDEEP V. MARNE, J.

DATE : SEPTEMBER 20, 2023.

P.C.:

1. The learned counsel for Respondent would submit that the order impugned in the present Appeal merely issues a show cause notice for deciding the application filed under the provisions of Order 39 Rule 2A of the Code of Civil Procedure, 1908 (for short 'the Code') and that so far the City Civil Court has not arrived at a conclusion that there has been any breach of the interim injunction granted by the City Civil Court.

2. Since the application filed by the Respondent-Plaintiff under Order 39 Rule 2A of the Code is still pending, it would not be appropriate for this Court to entertain the Appeal at this juncture. It is clarified that while deciding the application filed by the Respondent-Plaintiff under Order 39 Rule 2A of the Code, the City Civil Court shall consider all the contentions that would be raised by the Appellants in defence to the show cause notice including the contentions that there is no breach of the interim order.

3. With the above clarification the Appeal is disposed of.

4. In view of disposal of Appeal, both Interim Applications stand disposed of.

(SANDEEP V. MARNE, J.)