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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 109 Of 2024
IN
NOTICE OF MOTION NO. 1621 OF 2023
IN
S.C. SUIT NO. 1204 OF 2023

Paavan Residency Condominium	... Petitioner
Versus	
Shri Vimal Khandelwarl and Anr	... Respondents
AND	
Vimal Khandelwal	... Contemnor

Mr. Manoj Mhambrey a/w. Mr. Jensish Kansara, Sampoda Channa
for Petitioner.

CORAM : GAURI GODSE, J.

DATED : 18th MARCH, 2024

P.C. :-

1. This contempt petition is for alleging breach of order dated 6th May 2023, passed by the City Civil Court in Notice of Motion filed by the petitioner in the Suit. It is alleged that there is breach of ad-interim order passed in the application.
2. Learned counsel for the petitioner submits that interim

application is still pending. By order dated 6th May 2023, ad-interim relief was granted in terms of prayer clause(a) in the application filed in the suit seeking temporary injunction. The said order is passed under Order XXXIX, Rule (1) of the Civil Procedure Code. The petitioner has a remedy to make an application under Order XXXIX, Rule 2-A of the Civil Procedure Code for the breach if any of the said order. I do not see any reason to entertain the contempt petition, when the remedy is already available to the party to approach, same Court. Normally this court need not entertain the contempt petition when alternate remedy is available. Since, the proceedings are already pending before the Civil Court grievance made by the petitioner can be better adjudicated by the same Court.

3. Hence, contempt petition is dismissed. Petitioner is at liberty to file an appropriate application before the City Civil Court for agitating the grievance of breach of the order dated 6th May 2023.

(GAURI GODSE, J.)