



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.258 OF 2024

Pradeep Bahulalji Agnihotri Vs. Girish Lakhanlalji Agnihotri

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.M. Chandekar with Ms Ratna Singh, Advocates for
petitioner.

CORAM : M.W. CHANDWANI, J.

DATE : 13.09.2024.

The petitioner complaints breach of temporary injunction granted by the learned Civil Judge Junior Division, Wardha in Regular Civil Suit No.75/2024 thereby defendant is restrained from raising any construction on annexed to the northern side wall of the applicant/petitioner till decision of the suit.

2. The contention is that inspite of the order the defendant/respondent has breached the *status quo* order dated 04.05.2024 as well as order of temporary injunction dated 29.07.2024. It is also contended that an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 (for short 'CPC') has been filed by the petitioner, however, till date that the application has not been decided and simple dates are being given. Therefore, he constrained to approach this Court.

3. It is trite position of law that in pending suit if there is breach of order of temporary injunction then the course is

available to the successful litigant to file an application under Order XXXIX Rule 2A of the CPC, which has been duly made by the petitioner.

4. In that scenario, appropriate course for the petitioner would be to pursue the application before the learned Civil Judge Junior Division. The grievance is made that the said application is kept pending and no hearing has been taken place till date. Since appropriate remedy has been invoked by the petitioner/applicant before the learned Civil Judge Junior Division, present petition cannot be entertained and same is **disposed of** with a hope that learned Civil Judge Junior Division, Wardha will hear the application and dispose of it at the earliest according to law.

JUDGE

Wagh