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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 746 OF 2017
(Arising out SLP (C) No. 27312 of 2013)

RAJIVKUMAR PANJABI Appellant (s)

VERSUS

VINOD RODE & ANR. Respondent (s)

O R D E R

1) Leave granted.
2) Heard learned counsel appearing for the parties.
3) This appeal is directed against order dated 14.02.2013 passed by the High Court of Judicature at Bombay, Nagpur Bench whereby the High Court allowed the Writ Petition filed by the petitioners (respondents-herein) and set aside the order passed by the trial Court under Order 39 Rule 2A of the Code of Civil Procedure, 1908.
4) It appears that the trial Court in terms of Order 39 Rule 2A of the Code of Civil Procedure sent the petitioners-therein to simple imprisonment for a period of one month for violating the order so passed by the Court. It is not in dispute that the order was duly informed to the petitioners (respondents-herein). However, no proper explanation has been given by the learned counsel nor it would appear from the counter statement filed by them before us that why they have not complied with the order but in fact they have flouted the order and wilfully disobeyed the order.

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5) In our opinion, the High Court, without following the rule which has been made out under Order 39 Rule 2A of the Code of Civil Procedure and without giving any reasons set aside the order passed by the trial Court.
6) Therefore, we find that the order passed by the High Court cannot be accepted or held sustainable in the eyes of law and the same is set aside.
7) Accordingly, the appeal is allowed while affirming the order passed by the trial Court.

..... J.
(PINAKI CHANDRA GHOSE)
..... J.
(ROHINTON FALI NARIMAN)

New Delhi;
January 16, 2017.

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ITEM NO.43 COURT NO.6 SECTION IX

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 27312/2013
(Arising out of impugned final judgment and order dated 14/02/2013 in WP No. 1394/2012 passed by the High Court Of Bombay At Nagpur)

RAJIVKUMAR PUNJABI Petitioner(s)

VERSUS

VINOD RODE & ANR. Respondent(s)

(with office report)

Date : 16/01/2017 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Rishi Malhotra, AOR
Mr. Rajat Roshan Sharma, Adv.

For Respondent(s) Ms. Kavita Jha, AOR
Mr. Vaibhav Kulkarni, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.
The appeal is allowed in terms of the signed order.
(R. NATARAJAN) (SNEH LATA SHARMA)
Court Master Court Master
(Signed order is placed on the file)