

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CONTEMPT PETITION NO.173/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms. Kainaz Irani i/b. L. J. Law for the Petitioner

CORAM : K. K. TATED, J.

DATE : JULY 28, 2015

P.C.:

1. Heard. By this petition, the Petitioner alleges that Respondent tried to misuse the order dated 02/08/2013 passed by this court (Coram : S. V. Gangapurwala, J.) in Civil Application No.3846/2010 in First Appeal No.1310/1998 by making Application to the Corporation for carrying out construction i.e. opening out-door.

2. The learned counsel for the Petitioner submits that the Respondent, instead of making Application to carry out construction as per order dated 02/08/2013, they applied to the Corporation on the basis of a incorrect plan. As soon as the same was pointed out by the Petitioner, the Respondent withdrew the same and applied on the basis of a correct plan. In this way, they tried to

misuse the order dated 02/08/2013 passed by this court. Hence, this Hon'ble Court be pleased to take action against the Respondent under Contempt of Courts Act.

3. It is to be noted that in the present proceedings, it is the case of the Petitioner that the Respondent, later on carried out construction as per the order dated 02/08/2013 passed by this court. In view of these facts, I do not find any substance in the Contempt Petition. Hence, same stands rejected.

JUDGE