

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

CONTEMPT PETITION NO. 45 OF 2014

Smt. Janaki Kishandas Motwani & Ors.	... Petitioner
V/s.	
Shri. Sitaram Kunte, Commissioner of MCGM, Mumbai & Ors.	... Respondents

Mr. Shenoy Shah i/b Solomon & co. for the Petitioner.
Mr. R.S. Apte, Senior Counsel i/b M. M. Malvankar for the respondent
no.1 & 2/BMC.
Mr. A. V. Joshi for respondent nos. 3 to 6.

**CORAM : K. K. TATED, J.
DATED : 31/03/2015.**

PC.:

. Heard learned Counsel for the parties.

2 By this Contempt Petition, the petitioner alleged that respondent nos. 3 to 6 violated order dated 24.12.2013 passed by this Court in Appeal from Order (St.) no. 34945 of 2013 with Civil Application (St.) no. 34945 of 2013 by discontinuing essential amenities including ingress and outgress of the flats in question.

3 The learned Counsel for the petitioner submits that in spite of the order passed by this Court on 24.12.2013, the respondent no.3

disconnected water as well as electricity supply. In this way, they committed contempt of this court by violating the order dated 24.12.2013 and therefore, action to be taken against them.

4 The learned Counsel Mr. Joshi for the respondent nos. 3 to 6 vehemently opposes the present Contempt Petition. The respondent nos.3 to 6 filed their affidavit-in-reply dated 24.09.2014. He submits that Appeal from Order was dismissed by order dated 06.02.2014 and thereafter, part of the building was demolished in the month of February, 2014. He submits that the petitioner made complaint to the Sr. Inspector of Police, Kurla Police Station, Kurla (W) by letter dated 09.01.2014. Pursuant to the said letter, the concerned Police Officer visited the suit premises. At that time, he found that in flat no. B/21 (petitioner no.1's flat) electricity as well as water connections were in order. The said report is on page 127 of affidavit-in-reply of respondent nos. 3 to 6. He submits that the report submitted by the Police Authority itself shows that these respondents have not violated the order dated 24.12.2013 passed by this Court. Hence, there is no substance in the Contempt Petition and same to be dismissed with costs.

5 I heard both the sides at length. It is to be noted that in the present proceeding, the Appeal from Order stands dismissed by order dated 06.02.2014. In any case, the report of the Police Authority dated 03.02.2014 shows that the basic amenities like water and electricity connections were there, when they visited suit premises. This itself shows that respondent has not violated any order passed by this Court. Hence, there is no substance in the Contempt Petition.

6 Hence, Contempt Petition stands rejected.

(K.K.TATED, J.)