

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.188 OF 2002
WITH
CIVIL APPLICATION NO.101 OF 2002

Shamim Isaque Narvel and Another ... Petitioners
vs.
Amir Siddique Patel @ Dada Patel and Others ... Respondents

Ms. Jui Nerurkar i/b. Mr. P.S. Dani, Senior Advocate, for the
Petitioners.
Mr. Sagar Joshi i/b. Mr. S.M. Oak, for Respondent Nos. 5 to 7.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **10th DECEMBER, 2015**

P.C.:

. This is the Contempt Petition for having committed breach
of the order passed by this Court on 12th March, 1999.

2. The Petitioners have filed a suit for partition and separate
possession. The trial Court by an order dated 19th August, 1998 has
allowed the application (Exhibit 5) against which the Appeal was filed
in the High Court and in the said Appeal this Court has protected the

interest of the Plaintiff/Petitioners. However, according to the Petitioners the said order is breached and so they have moved to this Court.

3. Perused the order dated 12th March, 1999. In the said order, the learned counsel for the Defendants has made statement that during the pendency off the suit, the Defendants shall not alienate or transfer or create third party interest or part with possession of the property which is in possession off the Defendants without seeking leave of the Court. The said statement was accepted and it was mentioned that in view of the said statement, there is no need to continue the order of injunction restraining the Defendants from transferring the property. However, this Court has directed the Defendants to submit quarterly accounts of the collection of rent collected by the Defendants. The first statement of accounts was filed on 30th June, 1999.

4. Today, though the matter called out twice, the learned counsel for the Petitioners is absent. The suit was of the year 1998 bearing Special Civil Suit No. 151 of 1998. There may be a possibility

that the original suit might have been decided by the trial Court.

5. Now at 3.30 p.m. the learned counsel Ms. Jui Nerurkar i/b. Mr. P.S. Dani, learned senior Advocate appeared for the Petitioners. She submitted that she has written a letter to her clients. However, there is no communication from the Petitioners.

6. In view of this and the facts as discussed above, I do not find there is any lawful disobedience committed in this matter. Hence, the Contempt Petition stands dismissed.

7. In view of the above, the Civil Application is disposed of.

(MRS.MRIDULA BHATKAR, J.)