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CAN-15-2014
CAN-38-2014
CAN-42-2014
in CP-288-2008
(sr. no.902,suppl.board)
Tuesday,6/1/2015

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 15 OF 2014
IN
CONTEMPT PETITION NO. 288 OF 2008
IN
SECOND APPEAL NO. 803 OF 2001

Shri. Dinshaw Nozer Mazda and Ors.Applicants
: V/S :
Shri. Gulab Shankar Dangat and Ors.Respondents

ALONGWITH
CIVIL APPLICATION NO. 38 OF 2014
IN
CONTEMPT PETITION NO. 288 OF 2008
IN
CIVIL APPLICATION NO. 988 OF 2001
IN
SECOND APPEAL NO. 803 OF 2001

Mr. Vijay Tukaram Roundal

Mr. Ashok Dattatray MakarApplicants
(Orig. resps no.9 and 10)

IN THE MATTER BETWEEN :

Shri. Nozer Sheriyar MazdaPetitioners/
(Orig. Plaintiffs)

V/s.
1. Shri. Gulab Shankar Dangal & Ors.Respondents

ALONGWITH
CIVIL APPLICATION NO. 42 OF 2014
IN
CONTEMPT PETITION NO. 288 OF 2008
IN

CIVIL APPLICATION NO. 988 OF 2001
IN
SECOND APPEAL NO. 803 OF 2001

Manohar Pandurang Virkar

....Applicant
(Orig. Resp no.11)

IN THE MATTER BETWEEN :-

1. Shri. Nozer Sheriyar Mazda & Ors.

.....Petitioners
(Orig. Plaintiffs)

V/S.

1. Shri. Gulab Shankar Dangat and Ors.

.....Respondents

* * * * *

Mr.Surel S. Shah a/w. Mr. Agnel Carneiro i/by. M/s. Mulla & Mulla and
Cragie Blunt and Caroe, Advocate for the petitioner
in CP-288-2008 and for applicant in CAN-15-2014.

Mr. Vishal Kanade i/by. Mr. Satyavrat Joshi,
Advocate for respondent no.1.

Mr. Pravin V. Kamble, *Advocate for respondents no.2A, 2C to 2E.*

Mr. Rajesh Jadhav, *Advocate for respondents no.12 to 14.*

Mr. Badgujar h/f. Mr. Samrat Shinde,
Advocate for respondent no.11 and for applicant in CA-42-2014.

Mr. Joel John Carlos, Advocate for respondents no.9 and 10
in CA-15-2014 and for applicant in CA-38-2014.

Mr. Mohan B. Jadhav, Advocate for respondent no.3.

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Coram :- Smt. R.P. SondurBaldota, J.

6th January, 2015.

P.C. :-

. This is a common order on the above three Civil Applications.

1). The first Civil Application is for amendment to the Contempt Petition for bringing the subsequent events on record relating to respondents no.9 to 14. The other two Civil Applications, i.e. Civil Application No. 38 of 2014 and Civil Application No. 42 of 2014 by respondents no.9 and 10 and respondent no.11 respectively, are for their deletion from the contempt petition on the various grounds stated therein. Mr. Carlos, the learned Advocate appearing for respondents no.9 and 10 and Mr. Badgujar, the learned Advocate appearing for respondent no.11, state that they do not press the Civil Applications and would raise all the contentions taken therein, at the time of admission of the contempt petition. For the same reason, these respondents also do not oppose the application for amendment. None of the other respondents are opposing the application for amendment. In view of the statements made, Civil Applications No. 38 of 2014 and 42 of 2014 are allowed to be withdrawn and Civil Application No. 15 of 2014 is allowed. Amendments to be carried out within a period of 2 weeks from today i.e. on/or before 20th January, 2015. Amended copy to be served upon the respondents within a period of 2 weeks thereafter and the contempt

petition is kept for admission on 9th February, 2015.

2). Respondents no.9, 10 and 11 are at liberty to take up all the contentions raised in their respective Civil Applications at the time of admission of the contempt petition.

3). Mr. Shah, points out that the other respondents have filed their replies to Civil Applications No. 38 of 2014 and 42 of 2014 specifically dealing with the contentions of respondents no.9 to 11 and submits that, in view of the liberty granted to respondents no.9, 10 and 11, identical liberty may be granted to the other respondents, as also, the petitioner. The request is granted. The other respondents and the petitioner are at liberty to raise the contentions taken in their respective replies to the Civil Applications filed by respondents no.9, 10 and 11.

(SMT. R.P. SONDURBALDOTA, J)