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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.406 OF 2015

Mr. James D'mello	...Petitioner
V/s.	
Milind Katte, Chairman & Ors.	...Respondents

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Mr. V. A. Sugdare i/b. Ashok Kumar Mishra for the Petitioner.
Mr. Shamim i/b. Shamim & Co. for Respondent Nos.1, 2 and 3.
Mr. S. D. Rayarikar, AGP, for Respondent Nos.4 to 6.

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CORAM : A. K. MENON, J.

DATE : 28TH SEPTEMBER, 2015.

P.C.:

The present Contempt Petition alleges that the respondents have failed to comply with the order of this Court dated 13th February, 2015 and are therefore in contempt and seeks appropriate action under the Contempt of Courts Act. Today, when the matter is called out, the learned counsel for respondent nos.1, 2 and 3 submits that the petitioner had demanded inspection and photo copies of certain documents vide letter dated 18th February, 2015 copy of which appears at page 12 of this Petition but the respondent nos.1 to 3 have failed to comply with request which is as per the order of the Court dated 13th February, 2015. The learned counsel for respondent nos.1, 2 and 3 states that the society was

formed on 29th January, 2011 and, therefore, they would have documents only from the said date. The society shall therefore give inspection of the following documents from the date of formation i.e. 29th January, 2011 till date:

- (i) Audited Accounts of the society.
- (ii) Passbooks of all Four Banks where the society held accounts.
- (iii) Bills and payment receipts of water charges and Municipal taxes including BMC letters and correspondence if any.
- (iv) Details of municipal tax refunded if any.
- (v) Minutes books including all the notices for AGM Meetings and Special General Body Meetings along with agenda.
- (vi) Registered bye laws of the society.

2] The learned counsel for the petitioner submits that the petitioner will therefore take inspection of the above documents and inability to give inspection of other documents will not be treated as non-compliance of the order of the Court dated 13th February, 2015. The learned counsel for respondent nos.1 to 3 states that inspection will be given to the petitioner and not to the signatory of the letter dated 18th February, 2005.

3] Accordingly, the petitioner shall attend the office of the

society on Saturday 10th October, 2015 at 10.00 a.m., when the society will offer for inspection the documents listed above for the period 29th January, 2011 till date. If the petitioner is desirous of obtaining copies of the documents, he shall provide a list of such documents of which he requires copies at the said meeting and the society shall furnish the same after the petitioner makes a deposit of the estimated cost of photo copies as it may be determined by the society.

3] With this limited clarification, the Contempt Petition is disposed of.

(A. K. MENON, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.