

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.435 OF 2015
IN
WRIT PETITION NO.4523 OF 2014

Kapadia Development Co-operative

Housing Society Ltd. ... Petitioner

vs.

Mr.Usman M. Shaikh & Ors. ... Respondents

Mr.A.Y.Sakhare, Senior Advocate a/w Mr.Rajeev Patil a/w Mr. Vikram Chavan a/w Mr.M.A.Ansari i/b Mr.R.K.Agrawal for the Petitioner.
Mr.R.M.Kadam, Senior Advocate a/w Mr.S.R.Nargolkar a/w Mr.Swapnil Mohite i/b Mr.S.G.Wadte for the Respondent No.3

CORAM : A. K. MENON, J.
DATE : OCTOBER 13, 2015.

P.C.

. Heard the learned counsel for the parties.

2. The present Contempt Petition is filed by the Petitioner in Writ Petition No.4523 of 2013. It alleges that the Respondents have committed willful and intentional breach of the order dated 2nd May, 2014 passed by this Court in the aforesaid Writ Petition and therefore, Respondent Nos.1 to 7, 9 and 10 to 12 have committed contempt of this Court that they be committed to Civil Prison and fine be imposed on all the respondents concerned.

3. The order dated 2nd May, 2014 passed in the above Writ Petition is an order whereby the learned Judge hearing the Writ Petition adjourned the hearing of the Petition, at the request of the Respondent No.3, to 12th June, 2014 and directed that till then parties should maintain Status-quo.

4. The alleged breach of this order was also subject matter of Civil Application No.2757 of 2015, in the above Writ Petition which has been disposed of today by a separate order.

5. Submissions made in this Contempt Petition are identical to those in the aforesaid Civil Application No.2757 of 2015. On account of the view I have taken in the said Civil Application, I am not inclined to hold that there is any contempt committed by the Respondents of the order dated 2nd May, 2014. Therefore, I find no merit in this Contempt Petition. Hence I pass following order;

- (a) The Contempt Petition is dismissed.
- (b) There will be no order as to costs.

(A. K. MENON, J.)