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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.570 OF 2014

Ramjeet R. Varun & Anr.

...Petitioners

V/s.

K. N. Panjabi & Ors.

...Respondents

.....
Mr. Dnyanehwar W. Bhosale for the Petitioners.

Mr. Girish J. Paryani for Respondent No.1.

Mrs. Latika Belindage for Respondent No.3.
.....

CORAM : A. K. MENON, J.

DATE : 7TH OCTOBER, 2015.

P.C.:

It is common ground that the order impugned in this Petition is now subject matter of execution proceedings before the Court of the Civil Judge, Junior Division, Ulhasnagar in RD No.11/2013 in order to resolve the present controversy as to whether the repair works carried out by the respondent no.1 in this Petition as per the order of the Co-operative Court and has confirmed by this Court by its order dated 15th April, 2014. It will be appropriate that the executing Court appoints an independent qualified surveyor to examine the premises forming subject matter of the execution proceedings and submit a report to the executing authority. Accordingly, the executing Court is directed to appoint such a

structural engineer that the respondent no.1 in this Petition was directed to ascertain whether the repairs were in fact carried out. The quality of such work, deficiencies, if any, and the remedial steps that are to be taken to ensure that the leakage into the present petitioner's premises is halted. The cost of such surveyor/structural engineer will be borne equally by all the parties in the first instance and the final responsibility of payment of these charges will be subject matter of the final order of the executing authority. Such structural engineer shall be required to visit the suit premises on 17th October, 2015 and make a report of the executing Court on or before 23rd October, 2015. The Contempt Petition is disposed of in the above terms.

(A. K. MENON, J.)

CERTIFICATE

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