

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION (L) NO. 1 OF 2015
IN
NOTICE OF MOTION NO. 2865 OF 2010
IN
SUIT NO. 2548 OF 2010
WITH
CONTEMPT PETITION (L) NO. 2 OF 2015
IN
NOTICE OF MOTION NO. 194 OF 2011
IN
SUIT NO. 150 OF 2011

Gautam D. Parekh & 2 Ors.	...Petitioners
<i>Versus</i>	
Nirmala Kantilal Parekh & 3 Ors.	...Respondents

Mr. D. D. Madon, Senior Advocate, a/w Mr. Ranjit Shetty & Mr. Kinshok Kislaya i/b M/s. Udwadia & Udeshi, for the Petitioners.

Mr. Rajesh Tamhane, a/w Mr. A. M. Khandekar, i/b M/s. Tamhane & Co., for the Respondents.

CORAM: G.S. PATEL, J
DATED: 10th April 2015

PC:-

1. Mr. Tamhane, learned counsel for the Respondents, tenders an affidavit dated 10th April 2015 of Sunil Namdeo Shirsat. This affidavit is to be read with the affidavit dated 20th March 2015 of the 4th Respondent (starting at page 320). From these two affidavits it appears that Mr. Shirsat has been allowed to occupy certain premises that have come to the share of the 4th Respondent as an employee of the 4th Respondent. Mr. Shirsat's wife and their three minor children are also staying in these premises.

2. It appears that Mr. Shirsat is a caretaker of the 4th Respondent's premises and his services have been engaged only in that behalf. Though there is some possible controversy about this, with the affidavits taken together indicating that it was first claimed that Mr. Shirsat was doing some accounts work for the 4th Respondent and it is now claimed that he is merely a caretaker, I will let this pass since Mr. Tamhane confirms the latter position on instructions. Mr. Shirsat will, therefore, confine himself to the caretaking of the premises that have come to the share of the 4th Respondent and will not in any way obstruct the Petitioners' access to or use of the share of the property that has come to the Petitioners.

3. It is made clear that Mr. Shirsat and his family have no separate right, title and interest of any part of this property. Further, should the services of Mr. Shirsat be terminated at any stage, the 4th Respondent will not engage or employ any other person who is proposed to be allowed to use any portion even the

premises that come to the 4th Respondent without at least two weeks' prior notice to the Advocates for the Petitioners and without prior leave of the Court.

4. A separate order by consent has already been made for the deployment of an independent security agency. I am informed that the security agency will be at site from tomorrow.

5. Mr. Madon, learned Senior Counsel for the Petitioners, seeks inspection of certain documents relied on by Mr. Tamhane in the affidavits dated 20th March 2015 and 10th April 2015 and the Petitioners' attorneys' letter dated 30th March 2015. Mr. Tamhane readily agrees to give inspection of all these documents. Inspection will be given on Monday, 13th April 2015 from 5.00 p.m. onwards in Mr. Tamhane's office.

6. Since the Respondents have, as observed in previous orders and in this order, purged the contempt alleged, Mr. Madon seeks leave to withdraw the Contempt Petition with liberty to adopt fresh proceedings, if necessary. Leave granted with liberty as prayed.

7. List the suit for directions on 8th May 2015 at 3.00 p.m.

(G. S. PATEL, J.)