

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CONTEMPT PETITION NO. 36 OF 2014

IN

WRIT PETITION NO. 2546 OF 2012

WITH

CHAMBER SUMMONS (L) NO. 511 OF 2015

Mr. Ved Prakash Gupta	}	Petitioner
versus		
Mr. N. K. Sudhanshu and Ors.	}	Respondents

Ms. Anita Castellino i/b. Mr. Bruno Castellino for the Petitioner.

Mr. Shreepad Murthy with Ms. Preeti B. i/b. Mr. Abhishek Patil for the Applicant in CHSWL/511.2015.

Mr. P. G. Lad for Respondent Nos. 1 to 4.

Mr. Vivek Rana i/b. M/s. I. R. Joshi and Co. for Respondent No. 6.

Mr. Milind More - Addl. Government Pleader for Respondent No. 7.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- DECEMBER 16, 2015

P.C. :-

It is stated by Mr. Lad that the orders passed by this Court on the previous occasion and even on the prior occasions had been complied with, inasmuch as the Mumbai Board has

passed an order on 24th November, 2015 canceling the allotment of the applicant, who has moved the Chamber Summons today.

2) However, that order was challenged in an Appeal before this Court and that Appeal was allowed. Now, in pursuance of the Court's direction in the Appeal from Order, a personal hearing was given to both, the Petitioner in the present Petition and applicant Shahjahan Abdul Majid Hawaldar.

3) Mr. Lad informs the Court that in pursuance of the appellate Court's orders, a reasoned order would be duly passed by the Board and communicated to the parties. The personal hearing has been concluded on 11th December, 2015. We accept these statements made by Mr. Lad.

4) In view of the orders passed on the previous occasions and statements made by Mr. Lad, we are of the view that the Contempt Petition need not be kept pending. The Contempt Petition, as is well settled, is not a substantive proceeding. The Petitioner in such Petition merely brings to the notice of the Court a non-compliance or breach of this Court's order and direction. He alleges a civil contempt. It is therefore the Court's obligation thereafter to find out whether indeed any such case is made out. The Petitioner in the Contempt Petition does not derive any right

nor any benefit from the Court's order made on the Contempt Petition. In these circumstances, the apprehension that the Petitioner will be deprived of his right or benefit has no basis. The Petitioner can, in substantive proceedings, assert all rights, title and interest that he has claimed and from the Board so also in terms of the statutory provisions. Therefore, keeping all such contentions and of all parties open for being raised in substantive proceedings, we dispose of this Contempt Petition. In the light of the disposal of the Contempt Petition the Chamber Summons does not survive and stands disposed of as such.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)