

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.1 OF 2016

IN

CONTEMPT PETITION NO.425 OF 2014

Smt. Dhanshree D. Apraj

.. Applicant

Versus

Jayant Mehta and others

.. Respondents

Mr. B. R. Deshmukh, for the Applicant.

Mr. A. J. Kandarkar, for the Respondent Nos.1 to 6.

CORAM : R.M. SAVANT, J.

DATE : 12th APRIL 2016

PC.

1. The above Civil Application has been filed to bring the heirs of the Respondent No.7 on record. The Respondent No.7 was a member of the society in question i.e. Padmarag Co-operative Housing Society. The thrust of the allegations is against the said society and its office bearers. The Respondent No.7 having expired, the cause of action to proceed against the heirs does not survive assuming that the cause to file the Contempt Petition was there against the Respondent No.7. Hence, no relief can be granted to the Applicant in the above Civil Application. The same is accordingly rejected.

2. However, it is clarified that the rejection of the application for bringing the heirs of the Respondent No.7 on record would not be an impediment for the Applicant to prosecute appropriate proceedings against the heirs of the Respondent No.7.

3. Place the Contempt Petition for admission on 14.06.2016.

[R.M. SAVANT, J]