

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.151 OF 2013

(M/s. Richline Finvest Private Limited Vs. Haji Ali Rewa Premises CHS Ltd. and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. J. S. Kini i/b. Mr. Suresh Dubey for Petitioner.
Mr. P. D. Dalvi a/w. Mr. V. M. Joshi for Respondents.

CORAM : R. G. KETKAR, J.

DATE : 13TH DECEMBER, 2016

P.C.:

Heard Mr. Kini, learned Counsel for petitioner and Mr. Dalvi, learned Counsel for respondents.

2. This Contempt Petition is filed alleging breach of order dated 12.09.2012 passed by this Court in Civil Application No.2220 of 2012 in Writ Petition No.3174 of 2012. By that order, this Court allowed Civil Application in terms of prayer clause (a). Paragraph 9 of that order reads thus,

“9] In such circumstances, the civil application is granted in terms of prayer clause (a) but subject to the petitioner's giving undertaking to this court that it will not create any third party rights or transfer the suit flat in any manner; that subject to its legal rights and without prejudice thereto it will abide by all such decisions and resolutions of the society, including the use of the flat as a residence and payment of maintenance dues and carrying out or permitting repairs and that it will also abide by the by-laws of the

society in relation to the usage or occupation of the flat. Equally, the petitioner will abide by final orders in the petition as also in dispute subject to its legal rights.”

3. Mr. Dalvi invited my attention to the prayer clause (a) of Civil Application No.2220 of 2012, which reads thus,

“(a) that pending the hearing and final disposal of the Petition, this Hon'ble Court may be pleased to permit the Applicant to allow them to grant leave and license of the said Flat;”

4. He submitted that this Court permitted the applicant therein / petitioner herein to give suit premises on leave and license basis. Petitioner has however alleged breach of that order on the ground that Committee members of the respondent have displayed in the notice board that the applicant is a defaulter. In other words, he submitted that in the entire contempt petition, there is no whisper about breach of order dated 12.09.2012 and still the managing committee members of the respondent No.1 are dragged in the Court.

5. Mr. Kini states that in fact respondent No.1 society has removed the notice board showing petitioner is a defaulter.

6. After arguing the Petition for quite some time, Mr. Kini states that he has instructions not to press this Contempt Petition.

7. In view thereof, the Contempt Petition is disposed of as not pressed. Notice issued to the respondents is discharged. Order accordingly.

(R. G. KETKAR, J.)

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