

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.95 OF 2015
IN
SUIT NO.1301 OF 2009**

Ansuya Ashchandra Jhaveri

....Petitioner

V/s.

Narang and Ruchi Developers

....Respondent

Mr. Yahya Ghogari i/b. Sonal Doshi and Co. for the petitioner.

Ms. Tanmayi Rajadhyaksha a/w. Mr. Jayesh Mestry i/b. RMG Law Associates for the respondent.

Mr. M.R. Mandawgade, Officer on Special Duty in the Court Receiver's office present.

CORAM : K.R.SHRIRAM,J

DATE : 21st OCTOBER,2016

P.C.:-

1 The contempt petition has been filed by the original defendant no.1 against the plaintiff accusing the plaintiff for not complying with the obligations that the plaintiff assumed under the minutes of order dated 15th April, 2013. According to the petitioner, the respondent was to return the original title documents after receiving a sum of Rs.4,50,00,000/-. According to the petitioner, the respondent has received this amount but is now stating that the title documents are not traceable. In view thereof, it is alleged that the respondent is guilty of contempt of this court.

2 Ms. Rajadhyaksha, counsel appearing for the respondent states that even the petitioner did not comply with the petitioner's obligations under the minutes of order. Ms. Rajadhyaksha further states that the petitioner did not pay the amount of Rs.4,50,00,000/- because of which the respondent had to take further proceedings to have the suit flat sold and recovered the amounts payable to the respondent. Mr. Ghogari, counsel appearing for the petitioner does not dispute what Ms. Rajadhyaksha has stated.

3 In view thereof, I am not inclined to admit the petition. The petition accordingly stands dismissed.

4 The petitioner to pay a sum of Rs. 10,000/- as cost to the respondent. This amount has to be paid by way of cheque drawn in favour of the advocate on record for the respondent within two weeks from today.

(K.R.SHRIRAM,J)