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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.183 OF 2014

WITH

CIVIL APPLICATION (ST) NO.1571 OF 2017

Harish Meghji Shah

..Petitioner.

V/s.

M/s. Ajanta Exhibitors & Ors.

..Respondents.

Mr.V.T.Lulia for the Petitioner.

Mr.Ketan Chotani i/b. Mr. J.M.Chodankar for the Respondents.

Mr.Sanjeev Sawant with Mr.Vijay Jaguste for Applicant in
CAST/1571/17 – for intervenor.

CORAM : N.M.Jamdar, J.

DATED : 19 January, 2017

P.C. :-

The learned counsel for the Petitioner submits that the consent terms were arrived at between the parties on 9 April, 2008 in Writ Petition No.9787 of 2004 which were taken on record and the writ petition was disposed on 9 April, 2008. The learned counsel for the Petitioner submits that the consent terms and the order of this Court specifically refers to the agreement executed between the parties. He submitted that the agreement contains a specific clause that permanent alternate accommodation in the form of commercial

premises would be provided to the Petitioner on the fourth floor on the south east side of the building to be constructed, admeasuring 2100 sq. ft. He submitted that not only this specific location is not adhered to, but what is being offered are premises of much less area. The learned counsel for the Respondents sought to state reasons as to why the agreement cannot adhered to, however, no effort has been made by the Respondents to seek any correction in the consent terms by applying to this Court or seek modification of the order. *Prima facie*, there appears to be a breach of the order of this Court. The responsible Partners of the Respondent firm will remain present in the Court on 1 February, 2017. To be listed at 3.00 p.m.

2. As far as the intervenor is concerned, it will be open for the intervenor to take out independent proceedings if the intervenor contends that the Respondents have committed any contempt and in the contempt proceedings, I am not inclined to look into the contentions between the Petitioner and the intervenor as regard their *inter se* rights. The application for intervention is accordingly disposed of with liberty as above.

(N.M.Jamdar, J.)