

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTMPT PETITION ST NO. 1775 OF 2017

Yasmeen Hanif Kadiwala & Ors	...Petitioners
<i>Versus</i>	
Raziya Ahmed Miya Kadiwala & Anr	...Respondents

Mr Anant Vadgaonkar, *for the Petitioners.*

CORAM: G.S. PATEL, J
DATED: 17th July 2017

PC:-

1. Heard. There is no substance to this Contempt Petition. It is thoroughly misconceived.

2. The violation alleged is of an order dated 30th November 2015 in Appeal from Order No. 71 of 2014 before the Cooperative Appellate Court. Leaving aside all other considerations, all that this order did was to allow the contempt Petitioner's Appeal against an order dated 20th August 2014 which granted the 1st Respondent's application to enter upon certain premises. The Appeal was allowed at the contempt Petitioner's instance. The 1st Respondent's application before the Court below was set aside but no injunction was granted to the contempt Petitioner in Appeal restraining the 1st

Respondent from entering the premises. If the 1st Respondent has entered the premises thereafter, this is not an act of contempt.

3. The Contempt Petition is dismissed with these observations. There will be no order as to costs.

4. This is without prejudice to the contempt Petitioner's right to obtain injunctive and other relief in a Court of competent jurisdiction.

(G. S. PATEL, J)