

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1426 OF 2013
WITH
CIVIL APPLICATION NO. 1483 OF 2015

Laila Nadar ...Appellant
Versus
The Secretary, Indira Nagar Rahiwasi Seva Sangh ...Respondents
& Ors

Mr Sandeep S Koregave, *for the Appellant.*
Mr JG Reddy, *for Respondent No. 3.*

CORAM: G.S. PATEL, J
DATED: 3rd July 2017

PC:-

1. Heard. The Plaintiff is aggrieved by the dismissal of a Notice of Motion on 13th February 2013 seeking an order in contempt against Defendants Nos. 1 and 2 for an alleged violation of a *status quo* order. That *status quo* order was passed on 10th April 2006. Defendants Nos. 1 and 2 said they were not responsible for the demolition at all, and the demolition, if any, was carried out by the Defendant No. 3, the Slum Rehabilitation Authority. The Plaintiff filed written submissions before the Trial Court. The bulk of this pertained to the question of the Plaintiff's eligibility for alternate accommodation. During the pendency of these proceedings, the

Plaintiff herself had filed an appeal before the Competent Authority, which passed an order on 20th May 2006. By that order, the Plaintiff was asked to demolish the suit premises, failing which the premises would be demolished by the Appropriate Authority. It is pursuant to this order that the premises came to be demolished.

2. The *status quo* order was of 10th April 2006. It could not possibly affect the Plaintiff's appeal which was disposed of only much later. From the impugned order it appears that the reliefs in the contempt motion were directed only against Defendants Nos. 1 and 2 and not against the Authority. This is clear from paragraph 7 of the impugned order.

3. The Plaintiff's remedy lies elsewhere. In any case, if there be such disputed questions of fact, the contempt jurisdiction is inappropriate.

4. There is no reason to interfere with the impugned order.

5. The Appeal is dismissed. There will be no order as to costs.

6. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)