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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 29 OF 2017
IN
CONTEMPT PETITION ST NO. 35679 OF 2016

Sarina Esmeralda Lopez ...Applicant

Versus

Mohini Vijay Kalantri, through PoA Mahendra L ...Respondents
Kanantri & Ors

Mrs Sarina Lopez, Applicant in person.
Mr Deepak Pandey, for the Petitioner in CP.
Mrs Madhuri More, for Respondents Nos 1 to 3-MCGM in CP.

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

PC:-

1. Heard.

2. The Applicant is one Mrs Sarina Esmeralda Lopez. She stays in the same society as the contempt Petitioner. Mrs Lopez owns Flat No. 302 in Wahedna Apartment. The contempt Petitioner, Mohini Vijay Kalantri, owns or resides in Flat No. 501. The Contempt Petition is in regard to a demolition by the Municipal Corporation of Greater Mumbai of a garage supposedly numbered as Garage No. 2 in the society premises.

3. I am given understand that Mrs Lopez has several grievances with Mrs Kalantri and possibly with other members of the society.

4. This Civil Application seeks intervention. In my view, it is misconceived. It is well-settled that contempt is a matter between the contemnor and the Court. Even the contempt Petitioner has a limited role to play. The Petitioner only brings to the notice of the Court an act of contempt and it is for the Court to decide whether or not to take action in contempt. It is a jurisdiction that is quasi-criminal in nature. It is a jurisdiction that is never lightly assumed. Most of all, this is a jurisdiction that deals with compliance with orders of the Court and the authority of the Court, and is always, for that reason, a matter between the Court and the Contemnor. The sanctity of the contempt jurisdiction is not to be allowed to be converted into a contest between individuals, each asserting private rights.

5. If, therefore, Mrs Lopez has a grievance against Mrs Kalantri or the MCGM or any other member of the Society, her remedies lie elsewhere, not in the Contempt Petition by Mrs Kalantri against the MCGM. Also, I am confident that the MCGM and its legal team are quite capable of looking after their matters in Court and do not need Mrs Lopez's assistance.

6. I understand Mrs Lopez to say that if reconstruction of the garage is permitted, "it will affect her rights". I presume to this to mean her rights as a member of the society. Once again Mrs Lopez is incorrect in assuming that her own personal rights *qua* a member

of the Society can in any way be affected or compromised by any order in Contempt Petition. Her rights in respect of any garage, construction, society member or resident or occupant are unaffected and she is at liberty to pursue them in an appropriately brought proceedings. This Civil Application is not one such.

7. Ms Kalantri alleges contempt by the MCGM in illegally demolishing a garage in violation of a court order. That has nothing at all to do with Mr Lopez's case. We are not concerned with the legality or otherwise of the structure. We are concerned with, and only with, the legality of the MCGM action and whether it violated an order of the Court.

8. I also note that while Mrs Lopez was originally joined to the Contempt Petition, by an order dated 8th February 2017 her name has been deleted from the Contempt Petition. There is no appeal against that order.

9. The Civil Application is dismissed. There will be no order as to costs.

10. At Mrs More's request on behalf of the MCGM, list the Contempt Petition on the supplementary board on 3rd August 2017.

(G. S. PATEL, J)