

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO. 234 OF 2014
WITH
CIVIL APPLICATION NO. 53 OF 2015**

High Court on its own motion	...Petitioner
Vs.	
Girish Champaklal Parekh & Anr.	...Respondents

Mr.S.R. Nargolkar for Petitioner.
Dr.Abhinav Chandrachud I/b. Pradeep Debey for Contemnor Nos.1 and 2.

CORAM : S.C. GUPTE, J.

4 MAY 2017

P.C. :

Heard learned Counsel for the parties.

2 The suo motu contempt petition arises out of an order passed by this court in an appeal from order. This court, by its order dated 10 March 2014, had observed that it was evident from the photographs taken on 14 November 2013 for the purpose of issuing stop-work notice under Section 354A that the work of partitioning at cabins with full height was in progress at site and that the subsequent photographs showed that the Appellants had carried out the work in spite of the stop-work notice. When the matter was moved for urgent reliefs, this court directed the Municipal Corporation not to take coercive steps based on the notice, simultaneously recording a statement of learned Counsel for the Appellants that status quo as of 21 December 2013 shall be maintained in respect of the suit structure. The court noticed that photographs taken on 26 December 2013 showed that the work was carried on despite the aforesaid statement. In the

premises, this court issued a suo motu contempt notice.

3 Learned Counsel for the Contemnors tenders an additional affidavit of Contemnor No.2, which explains the circumstances in which the above referred to work was carried out. It is mainly submitted by the Contemnor that he was under an impression that the status quo concerned the work relating to the wooden partitions. It is submitted that these partitions were fully erected even before the trial court rejected the ad-interim application in the suit, that is to say, even before 20 December 2013. Since this work had been fully done and the Contemnor was under an impression that there was no restriction relating to any cabin work, since there was no restraint order in that behalf, he carried out the cabin related internal work at site. The Contemnor has tendered an unconditional apology at the very outset and made a complete disclosure of the circumstances in which the offending work was carried out.

4 The apology and explanation are accepted and the contempt notice is discharged. The contempt petition is disposed of accordingly.

5 In view of the disposal of the contempt petition, the civil application does not survive and the same is also disposed of.

(S.C. GUPTE, J.)