

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 352 OF 2015**

Newlook Constructions Pvt Ltd	...Petitioner
<i>Versus</i>	
Austin Francis D'Souza	...Respondent

Ms Bhagyashree Belkar, i/b HR Pawar, for the Petitioner.
Mr AA Pande, i/b Ashok Pande, for the Respondent.

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

PC:-

1. The Respondent was the Plaintiff in the Suit. The Petitioner was the Defendant. The Respondent sought a restraint against the Petitioner from disturbing the Petitioner's possession and demolishing his structure at Rebello Chawl. The Plaintiff obtained a limited ad-interim *status quo* order on 23rd June 2010. That order of *status quo* was continued by Tated J on 28th July 2014 in Appeal from Order No. 813 of 2013 in Civil Application No. 975 of 2014. Now the contempt Petitioner (original Defendant to the Suit) claims that this order of *status quo* has been violated because certain tin sheet roofing was repaired or replaced by the Respondent/original Plaintiff.

2. There is no contempt at all. When a Court orders *status quo* in a situation like this, it is to prevent the parties from changing or altering the situation as to possession and about the title to the property in question. It does not prevent parties such as Plaintiff from carrying out basic essential repairs or renovations. Equally, the Defendant/Petitioner who is a developer cannot take undue advantage of a *status quo* order by compelling the Plaintiff/Respondent to live in continuously deteriorating conditions with a damaged roof, and contend that even these repairs are prohibited. In other words, in the guise of a *status quo* order what the contempt Petitioner wants is such a deterioration of the Respondent's premises that ultimately the *status quo* itself will change and those premises will be damaged or collapse.

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

(G. S. PATEL, J.)