

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 433 OF 2016
IN
SECOND APPEAL NO. 473 OF 2006

Madhav Rajaram Bhosekar

...Petitioner

V.s.

Mukund Rajaram Bhosekar and Ors.

....Respondents

Mr. Machindra Patil, Advocate for the petitioner in the contempt petition.

Mr. Prasad Kulkarni, Advocate for respondent no.1.

Mr. Ameet Salkar, AGP for respondent no.4.

Coram : N.M. Jamdar, J.

Date : 21 April, 2017.

ORAL ORDER :

This contempt petition is filed alleging that respondents no.1 and 3 have committed contempt of the order dated 27 August, 2007 in Civil Application No. 178 of 2006 in the

Second Appeal No. 473 of 2006. By the order dated 27 August, 2007 this Court had directed the parties to maintain status-quo.

2). The contempt petition is filed on the allegation that inspite of the order of status-quo, the respondents have executed a partnership deed without taking leave of this Court. The copy of the deed is placed on record, so also, certain photographs. An affidavit-in-reply has been filed on behalf of respondent no.1. Respondents no.1 and 3 are present in the Court. Respondent no.1 in the affidavit has stated on oath that though there was an agreement on 30 August, 2015 on the same date, the agreement was cancelled and respondent no.3 has now entered into a leave and license agreement in respect of some other property. It is stated in the reply that, though an agreement was made, after taking legal advise, it was immediately cancelled. The learned Counsel for respondents no.1 and 3 reiterate their stand that it is the original appellants alone who are in possession of the suit property and no third party rights are created. They also state that, no representation will be made to any Authority nor any documentation will be made in respect of the suit premises and the business carried out, except, on behalf of the original appellants. The original appellants state that, they will publish a notice in the newspaper having wide circulation in the area stating that respondent no.3 herein has no concern with the suit

property, also he has no concern with the business that is carried out by the original appellants. They will also state that no transaction will be entered into by any party with the appellant with assumption that respondent no.3 herein is part of their business. Similar notice will be published by respondent no.3 herein stating that he has no concern whatsoever with the suit premises nor with the business of the original appellant.

3). These statements on instructions are accepted. Public notices accordingly be published in the newspapers within a period of 3 weeks from today.

4). Though the respondents have cancelled the agreement and have made the above statements, the conduct of the respondents in executing such an agreement in face of the order of status-quo of this Court cannot be said to be justified. However, in view of the above position, I am not inclined to take any further steps in the matter.

5). The Contempt Petition is accordingly disposed off. If the public notices are not given as above within a period of 3 weeks, the petitioner will be entitled to revive the present contempt petition.

(N.M. Jamdar, J)