

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 589 OF 2014**

Dr Narendra Ambalal Bhatt	...Petitioner
<i>Versus</i>	
Lalitkumar Mangalchand Soni & Ors	...Respondents

Mr S Murthy, *i/b Abhishek Patil, for the Petitioner.*
Mr JG Damani, *for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 24th July 2017

PC:-

1. It is not possible to entertain the Contempt Petition. The petitioner obtained a decree in a Section 6 Suit. The decree is dated 21st June 2013 and the respondents were directed to deliver the possession of the suit premises within three months. These are described as “northern ground floor premises of the said bungalow on plot no. 13 of the Balasinor Cooperative Housing Society Ltd, S.V. Road, Kandivli West, Mumbai 400 067 More particularly shown in the rough sketch at Exhibit “A” to the plant and common areas in green colour in Exhibit “B” to the plaint.” The drawn up decree refers to this sketch which is said to be at page 120 of the Petition. However, the Petition only shows some portions in blue but does not show any portions in green.

2. That apart, the complaint of the contempt petitioner is that the respondents have obstructed the bailiff at every turn. At first, there was a door found locked on the premises. When the petitioner went back to court for order to break open the lock and returned, he and the bailiff found that the door had disappeared; there was in that place now a wall. The MCGM demolished the wall and found a door behind it.

3. Mr Damani for the respondents the decree is vague and speaks only of a “northern portion” but without specifying the area in square feet or square metres. The plan is only a rough sketch plan. This decree is not executable and the plaintiff cannot put such a decree into execution.

4. Whether Mr Murthy for the petitioner is correct in his interpretation of the decree or Mr Damani is correct that it is not executable is not a question to be decided in a Contempt Petition. I do not see what relief I can possibly grant in the very restricted and specific contours of contempt jurisdiction. The plaintiff/decreed holder has ample remedies in execution including an application for appointment of a receiver in execution and for obtaining peremptory orders for delivering possession. The contempt jurisdiction is not to be used in this fashion.

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

6. This is without prejudice to all the decree holder's rights and contentions, and any application in execution will be decided on its merits without being influenced by the present order.

(G. S. PATEL, J)