

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CONTEMPT PETITION NO.72 OF 2012
IN
SUIT NO.254 OF 2011**

Pankaj Ranjit Singh Kapadia

....Petitioner

Vs.

Mr. Sachin Rahate & Ors.

....Respondents

**WITH
CHAMBER SUMMONS NO.694 OF 2014
IN
CONTEMPT PETITION NO.72 OF 2012**

**WITH
NOTICE OF MOTION NO.44 OF 2015
IN
CONTEMPT PETITION NO.72 OF 2012**

**WITH
CHAMBER SUMMONS NO.1412 OF 2016
IN
CONTEMPT PETITION NO.72 OF 2012
IN
SUIT NO.254 OF 2011**

**WITH
NOTICE OF MOTION NO.2241 OF 2016
IN
CONTEMPT PETITION NO.72 OF 2012
IN
SUIT NO.254 OF 2011**

Mr. Jayesh Bhatt for the Petitioner.

Mr. Parth P. Shah for the Respondents.

Mr. Samir A. Vaidya for Applicant in CHS/694/24 and CHS/1412/2016.

Mr. Sachin R. Rahate, respondent No.1 present in Court.

CORAM : K.R.SHRIRAM, J.
DATE : 22nd SEPTEMBER, 2017

P.C.:

CHAMBER SUMMONS NOS.694 OF 2014 AND 1412 OF 2016

Mr. Samir Vaidya, counsel appearing for the Applicant seeks leave to withdraw both the Chamber Summons. Chamber Summons accordingly stand dismissed as withdrawn.

NOTICE OF MOTION NOS.44 OF 2015 AND 2241 OF 2016

None for the Applicant. Notice of Motion stands dismissed.

CONTEMPT PETITION NO.72 OF 2012

Mr. Jayesh Bhatt, counsel appearing on behalf of the Petitioner, states that even though the illegal temple has been finally demolished as per the order which the contemnors had willfully disobeyed, the contemnor should be held guilty of contempt and sentenced in accordance with law because at every point, the contemnors created hurdle, dragged the matter and indulged in tactics that consumed precious judicial time of this Court. Mr. Bhatt submits that the respondents should be held guilty of contempt of Court.

2. Mr. Parth Shah, counsel appearing on behalf of the

Respondents apologized to the Court on behalf of Respondents and prays that some leniency be shown to the contemnors and on instructions from respondent no.1, who is present in Court, states that respondent no.1 and 2, viz.Sachin Rahate and Kunal Rahate will each pay a sum of Rs.10,000/- as donation to the Mumbai Police Welfare Fund and this amount will be paid on or before 05.10.2017. Mr. Shah submits that Respondents be not punished for contempt of Court.

3. Mr. Shah on instructions from respondent no.1 stated that apart from the respondents giving this donation, respondent Nos.1 and 2 shall also do some community service by sweeping 500 mtrs. Of road on either side of the spot where the illegal temple was situated as part of Swach Bharat Abhiyan on 2nd October 2017 i.e., on Gandhi Jayanti. Statement accepted.

4. Stand over to 06.10.2017, for directions.

(K.R. SHRIRAM, J.)