

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

**CONTEMPT PETITION NO.41 OF 2016
IN
SUIT NO.2369 OF 2008**

Dhanesh Rasiklal Shah)....Petitioner

V/s.

Manoj Madhukar Champanerkar & Ors.)....Respondents

Mr.Sanjiv Sawant for the petitioner.

Mr.Arup Dhirajlal Dalal-respondent no.2 present in Court.

CORAM : K.R.SHRIRAM,J

DATE : 14.7.2017

P.C.:-

1 The petitioner has approached this Court on the basis that despite directions of this Court, the original defendant no.2 who is defendant no.5 and his family members who are respondent nos.4 & 6 are obstructing the demolition.

2 Mr.Sawant appearing for the petitioner relied upon paragraph-14 of the order dated 23.3.2010 which reads as under :-

“Defendant No.2 shall not obstruct the demolition upon the market value being paid to Defendant No.2”

Mr.Sawant submitted that because defendant no.2 has obstructed, he is in contempt.

2 To a specific query by the Court whether market value has been paid, Mr.Sawant on instructions stated that the amount is ready and it was offered to but the actual payment has not been made. Therefore, this petition, in my view, is not maintainable.

Contempt petition dismissed.

(K.R.SHRIRAM,J)