

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

**CONTEMPT PETITION NO.11 OF 2011
IN
NOTICE OF MOTION NO.1584 OF 2009
IN
SUIT NO.1743 OF 2009**

Chandrakant R. Patel & Anr.

....Petitioners

Vs.

Rambhai R. Patel & Ors.

....Respondents

Mr. Nitin G. Raut a/w Ms. Sunita Serrao for the Petitioners.
None for the Respondents.

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

P.C.:

1. This Contempt Petition is filed on the basis that respondent Nos.1, 2 and 3 had committed breach of the order dated 04.08.2009 passed by this Court in an unfortunate dispute between the petitioners son and original respondent No.1, who was his father. In the suit in which the order of 04.08.2009 was passed, respondent Nos.2 and 3 were not parties thereto. Only respondent No.1 was a party. Respondent No.1 has since expired. No notice was served upon respondent No.3 and therefore, the petition was dismissed as against respondent No.3. The only person against whom the petition remains is respondent No.2.

2. Admittedly, respondent No.2 was not a party to the order dated 04.08.2009. Respondent No.2, therefore, cannot be construed as

having willfully disobeyed any order of this Court. Therefore, the petition is not maintainable.

3. Petition accordingly stands dismissed.

(K.R. SHRIRAM, J.)