

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**CONTEMPT PETITION NO. 1 OF 2014
IN
NOTICE OF MOTION NO. 37 OF 2005
IN
TESTAMENTARY SUIT NO. 163 OF 2005**

Mrs. Sonal Harbin Jhaveri

.. Petitioner

Vs.

Sanjay M. Jhaveri & Anr.

.. Respondents

Mr.Sonal Harbin Jhaveri petitioner present in-person.

Mr.Phiroze Colabawalla a/w. Mr. S. A.K. Najam-es-soni i/b Maneksha and Sethna for respondent nos.1 and 2.

Mr.Sanjay M. Jhaveri-respondent no.1 present in-person.

**CORAM : K.R.SHRIRAM, J.
DATE : 27TH JANUARY, 2017**

P.C.

1 The petition is basically targeting respondent no.1, who, it is alleged has committed contempt of an order dated 7th April 2005. The petitioner, who is appearing in-person, states that in the order dated 7th April 2005, the Court has recorded as under :

1 Parties shall maintain *status quo* with regard to the property in their possession and shall not dispose of any of the property in their possession until further orders.

2 Learned counsel for the Respondent No.1 states that the Respondent No.1 is in possession of the Flat No.7A/39, Navjivan Society and the Respondent No.1 undertakes that he will not dispose of or deal with said property in their possession in any manner until further orders.

2 According to the petitioner, respondent no.1 is in contempt of the order quoted above because the petitioner came to know that civil work was going on in the said flat and respondent no.1 had made various structural alterations to the flat including demolition of a temple (a Pooja Corner) which was kept in the flat by the parents of the petitioner and respondent no.1.

3 In my view, the order only states that respondent no.1 has given an undertaking not to dispose of or deal with the property in any manner. If any structural alterations are made without municipal permission, it is open for the concerned authority to take action but certainly in any manner it will not amount to dealing with the said property to hold respondent no.1 guilty under contempt.

4 Contempt Petition dismissed.

5 The petitioner, who is present in Court and Mr.Colabawalla, on instructions, from respondent no.1 who is present in Court, state that they want to put an end to this ongoing dispute *inter-se* which has been pending since almost 11 years in this Court. Both are agreeable to go for mediation and state that they will extend all co-operation to the Mediator and will also be reasonable in their negotiations.

6 Ms.Manjiri Shah, an Advocate practicing in this Court is appointed as Mediator to mediate in the matter. The fees, administrative expenses of the Mediator to be shared by 50% by respondent no.1 and remaining 50% by the petitioner and respondent no.2. The Mediator is requested to complete mediation and submit report by 28th February 2017.

Liberty to apply.

(K.R. SHRIRAM, J.)