

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

**CONTEMPT PETITION NO.16 OF 2017**

**IN**

**APPEAL(L) NO.385 OF 2012**

**IN**

**NOTICE OF MOTION NO.1473 OF 2012**

**IN**

**SUIT (L) NO.1129 OF 2012**

Daji Narayan Hatankar  
and others

... Petitioners.  
(Original Appellants)

Versus

Sunil C. Shah

... Respondent  
(Contemnor)

....

Mr. Santosh P. Shetye for the Petitioners  
Mr. Arshil Shah a/w Ms. Rima Paradkar i/b. D.M. Legal Associates  
for Respondent.

....

**CORAM : NARESH H. PATIL AND  
Z.A. HAQ, JJ.**

**14<sup>th</sup> September, 2017.**

**P.C.:**

1. The learned Counsel appearing for the petitioners submits that in view of the settlement arrived at between the parties in the appeal arising out of the order passed in Notice of Motion, this Court had disposed of the appeal itself in terms of the consent terms by an order dated 8<sup>th</sup> May, 2013. The Counsel submits that the respondent-contemnor has violated the conditions of

settlement and flouted the statements made and therefore, proceedings under the Contempt of Courts Act against the respondent be initiated.

2. The learned Counsel appearing for the respondent disputes the allegations made by the petitioners. The Counsel appearing for the respondent has explained certain issues on merits.

3. In the facts, we are not inclined to initiate the proceedings under the Contempt of Courts Act in the present proceedings. However, the petitioners are at liberty to resort to alternate appropriate remedy as permissible in law.

4. Contempt Petition is disposed of.

**(Z.A. HAQ, J)**

**(NARESH H. PATIL, J)**