

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION ST. NO. 11245 OF 2017

Mr. Gurbax Singh Sethi

....Petitioner

Versus

Oshiwara Tarapore Garden CHS Limited
& Ors

....Respondents

.....
Mr.Ashok M. Saraogi a/w. Mr.Sushil Upadyay for the Petitioner.
Mr.R.S.Ghadge i/b. Mr. Appasaheb S. Desai for Respondent Nos. 1
to 12.

.....
CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **FEBRUARY 02, 2018**

P.C.:

1. This Contempt Petition is filed against the order dated 3rd April, 2017 passed by this Court in Appeal from Order No. 332 of 2017 thereby directing the respondents/contemnors not to obstruct the appellant/petitioner from parking his vehicle in the compound of the society building.

2. The learned Counsel for the petitioner submits that respondent no.1 is a housing society and the contempt is filed against the Managing Committee of the society.

3. The learned Counsel for the petitioner submits that the petitioner has paid all the dues and, therefore, there should not be any obstruction. Hence, the petitioner has filed this Contempt Petition.

4. The learned Counsel for respondent nos. 1 to 12 has filed affidavit in reply of the respondents/contemnors. In the affidavit, they have stated that the respondent/society and the members of the Managing Committee have never obstructed the parking of car of the petitioner. He submits that on 15th April 2017, the respondent/society had issued one letter to the petitioner because maintenance charges were not fully paid. He further submits that as on today, all dues are paid by the petitioner and the society members have not objected the parking of the car of the petitioner.

5. The statement made by the learned Counsel for respondent no. 1 to 12 and the submissions made in the affidavit in reply of respondent no.2 i.e., Secretary of the society Mr. Yatindra Pal to that effect are accepted. In the affidavit, respondent nos. 1 to 12 have also tendered an unconditional apology in this Court.

6. During the submissions, the learned Counsel for the petitioner submits that the petitioner is ready to pay regular parking and maintenance charges excluding legal charges. He further submits that the petitioner is prosecuting the matter with regard to payment of legal charges in the City Civil Court.

7. The learned Counsel for respondent nos. 1 to 12 makes statement that if the parking and maintenance charges are paid regularly excluding legal charges, which is the subject matter of the Suit, then the Society will not take any objection in parking of the car by the petitioner.

8. With this, Contempt Petition is disposed of.

(MRIDULA BHATKAR, J.)