

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.351 OF 2017

Shilpa Sud and Anr. .. Petitioners

V/s.

Adarsh Saigal and Ors. .. Respondents

Mrs.Shilpa Sud, petitioner present in person

Mr.R.A.Shah with Mr.Vyas i/b M/s.Mansukhlal Hiralal and Co. for the respondent no.4

Mrs.Hema Desai with Mr.Durga Prasad Halwai i/b M/s.Singhi and Co. for the respondent no.5 and 6A

**CORAM: K.K. TATED &
SANDEEP K. SHINDE, JJ.**

DATED : SEPTEMBER 18, 2018

P.C. :

1 Heard.

2 By this Contempt Petition, Petitioner is seeking to take action against the Respondents for breaching the order dated 15.03.014 and 18.03.2014 in O.A.No.447 of 2010 passed by Debts Recovery Tribunal III, Mumbai.

3 Mrs.Shilpa Sud, party in person submits that clause 11 of the

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Consent Terms specifically provided that Applicant bank i.e. Bank of Maharashtra undertakes to the Tribunal to hand over on 29.03.2014 all the original title deeds clause 11 of consent terms reads thus:

“11. Subject to the order of Court, the Applicant undertakes to the Hon'ble Tribunal to handover, on 29th March, 2014, all the original title deeds in respect of the said property deposited with the applicant at the time of creating the mortgage by deposit of title deed.”

4 Mrs.Shilpa Sud, party in person submits that Bank of Maharashtra and defendant nos.4 to 8 Kamlesh H. Saigal, Adarsh Saigal, Tina Daroowala and M/s.H.K.Saigal and Sons (HUF) filed Consent Terms Exhibit-58 dated 15.03.2014 before the DRT-III in O.A.No.447 of 2010 and obtained the order without their consent. Hence, this amounts to contempt of court.

5 It is to be noted that order dated 18.03.2014 passed by DRT No.3 specifically stated that O.A. No.447 of 2010 stands disposed of against defendant nos.4 to 8 in Original Application No.447 of 2010 and same is pending against defendant nos.1 and 2 i.e. Petitioner in the present Contempt Petition. Filing of consent terms does not amount to contempt of court.

6 Considering these facts, we do not find any substance in the present Contempt Petition.

7 Hence, following order is passed:

a Contempt Petition stands rejected with costs.

b Petitioner to pay cost of Rs.25,000/-.

c Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay, within three weeks from today and submit receipt in the Registry.

d If receipt is not received within stipulated time as stated hereinabove, matter to be referred to the concerned Collector to recover the said cost as Land Revenue under Maharashtra Land Revenue Code and deposit the same in the office of the Kirtikar Law Library, High Court, Bombay.

(SANDEEP K. SHINDE, J.)

(K.K. TATED, J.)