

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

CONTEMPT PETITION NO. 578 OF 2014

Abdul Khaliq Azimulla & Anr.	...	Petitioners
V/s.		
Shafiqur Rehman Khan & Ors.	...	Respondents

- Mr.Farooq Ahmad Choudhary for the Petitioners.
- Mr.Kishor Patil for Respondent Nos.2 and 3.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 24th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for the Petitioners and learned counsel for Respondent Nos.2 and 3.

2] This Contempt Petition is taken out for breach of the order dated 15th July, 2014, passed by this Court.

3] Perusal of the said order reveals that, it was submitted before this Court that the Appellants were not claiming any right, title and interest in respect of commercial premises i.e. Room No.6A. However, they were claiming to be in possession of the residential area i.e. Room No.6B. In view thereof, without going into the merits, the

following order was passed.

“A) Respondent original Defendant is restrained by an order of injunction from disturbing joint possession of the Appellants original Plaintiffs over Room No.6B at Tata Power Line, Bhangarwala Chawl, P.L. Lokhare Marg, Chembur, Mumbai-400089 till hearing and final disposal of Notice of Motion No.878 of 2014.

*B)
C)
D)”*

4] According to learned counsel for the Petitioners, the Petitioners are dispossessed from the residential premises i.e. Room No.6B and therefore, the Respondents have violated the order passed by this Court.

5] However, the Additional Affidavit filed by the Respondent No.3, Suhail Ahmed Khan, specifically the contents in para No.6, thereof read as follows :-

“The injunction granted by this Court under its Order dated 15/07/2014 is in respect of Residential area i.e. Room No.6B which according to the Petitioners herein is situated behind commercial shop (as recorded in the Order itself). I say that the Respondents herein have no intention to obstruct the

so called possession of the Petitioners over so called Residential area situated behind commercial shop.”

6] Thus, it is submitted that, as the order was only in respect of the residential premises and the Respondents have no intention to obstruct the Appellants in respect of the possession over the so called residential premises, therefore, there is no question of the Respondents committing any contempt of the order passed by this Court.

7] In my considered opinion also, according to the order passed by this Court, the Respondents were restrained from disturbing joint possession of the Appellants over Room No.6B i.e. the residential premises only and as on today also the Respondent is not intending to obstruct the Petitioners from possession of the so called residential area situated behind commercial shop, there is no question of any contempt of the order of this Court being committed.

8] The Contempt Petition, therefore, stands disposed off as dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]