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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.552 OF 2015

High Court on its own Motion	...Petitioner
vs.	
Raufbhai Dilwar Khan & Ors.	...Respondents

Mr.F.N.Momin a/w Mr.Gautam J. Jain for the contemnors
No.3

CORAM : A.S.OKA, &
RIYAZ.I.CHAGLA, JJ.
DATE : JULY 3, 2018

P.C.:

1 The second and third contemnors have been served with the notice. The third contemnors has filed a reply dated 19th June 2018. He has claimed that he is not concerned in any manner with the building subject matter of the main petition and one Mohammed Nafiz Mohammed Sharif Asrafi had carried out the construction of RCC building. He stated that it is the said Mohammed Nafiz who sold the flats in the building to the third parties. He claims that he has not committed any breach as he has not created any third party interest.

2 The notice of contempt was issued by this Court in the main Writ petition by order dated 28th September 2005. This Court found that though the first to third Contemnors were enjoined from creating third party rights in respect of the premises in the building, it was found that the

third party rights have been created and the third parties have been inducted. Perusal of the orders passed in the writ petition shows that the building could not be demolished earlier due to obstruction caused by the mob. Ultimately, the order dated 11th August 2017 records a statement of the learned counsel appearing for Bhivandi Nizampur Municipal Corporation that the building constructed in place of the Municipal House No.112 has been completely demolished and accordingly, the main writ petition was disposed of.

3 As the building subject matter of the petition has been completely demolished, it will not be appropriate at this stage to proceed with the action under the Contempt of Courts Act, 1971. Therefore, notice issued stands discharged. The Contempt petition is disposed of.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)