

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CONTEMPT PETITION NO. 19 OF 2017  
IN  
SUIT NO. 1630 OF 2012**

|                            |                |
|----------------------------|----------------|
| Sheriar F Patel            | ...Petitioner  |
| <i>Versus</i>              |                |
| Sairus Adi Printer & Ors   | ...Contemnors  |
| <i>And</i>                 |                |
| State of Maharashtra & Ors | ...Respondents |

**WITH  
CHAMBER SUMMONS NO. 328 OF 2017  
IN  
SUIT NO. 1630 OF 2012**

|                              |                |
|------------------------------|----------------|
| Sairus Adi Printer & Ors     | ... Applicants |
| <i>In the matter between</i> |                |
| Sheriar F Patel              | ...Plaintiff   |
| <i>And</i>                   |                |
| Sairus Adi Printer & Ors     | ...Defendants  |

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**Mr JS Kini, i/b Suresh Dubey, for the Petitioner in Contempt Petition.  
Mr Amar Mishra, AGP, for Respondents Nos. 1 to 5 in the Contempt  
Petition.**

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**CORAM: G.S. PATEL, J  
DATED: 21st March 2018**

**PC:-**

**CONTEMPT PETITION NO. 19 OF 2017:**

1. The Contempt Petition was filed by the Plaintiff purporting to appear in person. As the Petitioner has an Advocate, Mr Dubey, he could not have filed proceedings in person.

2. In any case, in fairness Mr Kini on instructions from Mr Dubey who has instructions from the Petitioner says the Contempt Petition ought never to have been filed. The Contempt Petition is dismissed.

**CHAMBER SUMMONS NO. 328 OF 2017:**

3. The Chamber Summons seeks to amend the Written Statement after trial has begun to include a plea for *res judicata* on the facts already alleged. No such amendment can be permitted. It is open to the Defendants to argue all points including *res judicata* at the hearing of the Suit. The trial is to proceed.

4. The evidence of the Plaintiff is over. Time to the Defendant to file an Affidavit of documents, Affidavit of Evidence and a compilation of documents is extended, as a final opportunity, till 6th April 2018.

5. List the Suit No. 1630 of 2012 on board for marking the Defendants' documents on 18th April 2018.

**(G. S. PATEL, J)**