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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 51 OF 2016
IN
WRIT PETITION NO. 2299 OF 2002

Hiralal M. Kumbhar ... Petitioner

vs.

Sangamlal Gupta and 3 Ors. ... Respondent

Mr. M. U. Pandey for the Petitioner.

Mr. Atul Singh for Respondent no. 2.

CORAM : A.K. MENON, J.

DATE : 14th AUGUST, 2018

P. C.

1. This contempt petition filed in the year 2016 seeks action against respondent for alleged violation of order dated 2nd September, 2002 passed in Writ Petition No. 2299 of 2002. The grievance of the petitioner who is stated to be a member of proposed Co-operative Society is that the respondent/ owners of the property have not complied with the direction contained in the order dated 2nd September, 2002 to develop the property in law within two years from the date of the order. The Writ Petition No. 2299 of 2002 was rejected since there was no case for interference.

2. Today learned counsel for the petitioner contends that the respondents are in contempt of the order dated 2nd September, 2002. In my view there is no occasion to invoke the contempt jurisdiction of this Court. The order dated 2nd September, 2002 merely contained a direction to develop the property in accordance with law and within two years. There is no question of respondent being in contempt of that order. Delays in completing construction could be for diverse reasons which cannot be gone into in this petition. In the event of the petitioner being aggrieved by development being incomplete the petitioner could always adopt appropriate proceedings. This contempt petition cannot therefore be entertained. Accordingly, I pass the following order :

- (i) Contempt petition is dismissed.
- (ii) No order as to costs.

(A.K. MENON, J.)