

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 993 OF 2017**

IN

EXECUTION APPLICATION NO. 765 OF 2015

Fullerton India Credit Company Limited ...Applicant

Versus

Prithipal S Chadha ...Plaintiff

Versus

Jitenderpal Singh Chadha ...Defendant

WITH

SUO MOTU SHOW CAUSE NOTICE NO. 1 OF 2018

AND

SUO MOTU SHOW CAUSE NOTICE NO. 2 OF 2018

IN

CHAMBER SUMMONS NO. 993 OF 2017

IN

EXECUTION APPLICATION NO. 765 OF 2015

WITH

CHAMBER SUMMONS NO. 1011 OF 2017

IN

EXECUTION APPLICATION NO. 765 OF 2015

**Mr OK Shaikh, with Chetan G Mehdadkar, i/b Vikas Salvi &
Associates, for the Applicant/Decree Holder.**

Dr Birendra Saraf, with Mr P Pai, i/b Keystone Partners, for

Jitenderpal Singh Chadha, in Chamber Summons No. 993 of 2017.

Ms Soniya Putta, *i/b M/s Solomon & Co, for Contemnor No.1 in Sua Motu Show Cause Notice No.1 of 2018*

Mr GS Godbole, *i/b NR Bubna, for Contemnor in Sua Motu Show Cause Notice No. 2 of 2018.*

Mr AK Tripathi, *with Mr PV Dhopatkar, for Contemnor No.3 in Sua Motu Show Cause Notice No.1 of 2018*

CORAM: G.S. PATEL, J

DATED: 21st August 2018

PC:-

1. Mr Godbole for the Noticee, Mr SP Parkar, is correct in saying that since the contempt notice issued to him is in respect of criminal contempt for interference with administration of justice, the matter will have to be heard by the Division Bench. The Registry will place the matters before the Division Bench to which such contempt matters are assigned.

2. It is perhaps only necessary to clarify that as regards Prithipal S Chadha and Jitenderpal S Chadha, Dr Saraf states that no notice was ever issued to either of those parties. In any case, having regard to the tenor of the Affidavits filed, it does not seem to me possible to proceed against either Jitenderpal S Chadha or Prithipal S Chadha in contempt. The case against Mr SP Parkar stands on a totally different footing and that is in relation to his attempts to contrive a situation, ostensibly in the guise of offering professional consultancy services, by which orders of this Court in execution and otherwise are deliberately frustrated.

3. All contentions will necessarily have to be kept open.
4. As regards Execution Application No. 765 of 2015, the previous stay that was operational will no longer operate. Possession of the flat in question is with the Decree Holder-Applicant, Fullerton India Credit Company Ltd. It is entitled to proceed against that property for recovery of its dues in accordance with law.
5. The Affidavit dated 19th August 2018 filed by Advocate DR Parab in the Suo Motu Show Cause Notice is to be filed in the Registry.

(G. S. PATEL, J)