

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

**CIVIL APPLICATION NO. 84 OF 2018
IN
CONTEMPT PETITION NO. 121 OF 2016**

Veena Dimna D'Costa & Ors. ... Applicants

Versus

M/s A. R. Developers & Anr. ... Respondents

D. A. Joseph i/b David Associates - Advocate for the applicants.

Mrs. Trishla B. Yelru i/b M/s S. Ashwinikumar & Co. - Advocate for the Respondent no. 2.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 25th JUNE 2019.

P.C. :

The petitioner's counsel in the Contempt case insists on this Court's disposing of Civil Application No.84 of 2018 before it takes up the Contempt Petition. And that Civil Application has a litany of reliefs sought.

2. The principal relief the petitioner has sought is to have the flat handed over to him. This Court's docket order, dated 26.09.2017, recorded the 1st

respondent's willingness to handover the flat. But then, the petitioner refused to take it on the grounds that it was not as per the specifications recorded in the consent terms. In that context, this Court has felt that the issue can be thrashed out when the contempt petition is finally heard.

3. Even now Ms. Trishla B. Yelru, the respondent's counsel, has expressed the respondent's willingness to handover the flat, as agreed on 26.09.2017. Besides that, the respondent seems willing to pay the compensation amount through demand drafts, which according to her, the petitioner has refused to receive.

4. As this Court has observed earlier, though the 1st respondent was willing to handover the flat, the petitioner insisted that the flat must accord with the specification before he could take it. Now, too, the same situation prevails.

5. Under these circumstances, it is appropriate for the Court to hear the Contempt Case finally. Hence, Civil Application disposed of and post the Contempt Petition No. 121 of 2016, on 04.07.2019.

[DAMA SESHADRI NAIDU, J.]