

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.49 OF 2019
IN
CONTEMPT PETITION NO.239 OF 2019

Nasima Zulkernain Merchant ...Applicant
vs.
Gulam Nabi Habib Balwa and Others ...Respondents
Mr. Akshay Pawar, for the Applicant

CORAM : R. G. KETKAR, J.

DATE : JULY 31, 2019

P.C.:

. Not on board. At the request of Mr. Pawar, learned counsel for the Applicant taken in the production board.

2. This Contempt Petition filed alleging breach of the order dated 20th October, 2016 passed by this Court in Civil Revision Application No. 256 of 2016 as also breach of the undertaking dated 16th November, 2016 fled by Respondent Nos. 3 and 4 in pursuance of the order dated 20th October, 2016. By order dated 20th October, 2016 the Civil Revision Application filed by Respondent Nos. 3 and 4 was dismissed. Aggrieved by this order, Respondent Nos. 3 and 4 preferred S.L.P. before the Apex Court. By order dated 27th March, 2017 the Apex Court dismissed the S.L.P. Though the undertaking given by Respondent Nos. 3 and 4,

they have not handed over the suit premises to the Petitioner. The Contempt Petition was heard for admission on 7th June, 2019 when notice under Rule 9(1) of Chapter XXXIV of the Bombay High Court Appellate Side Rules, 1960 as to why action under the Contempt of Courts Act, 1971 be not initiated against them was issued returnable on 25th June, 2019. The office remarks shows that the notice issued to Respondent Nos. 3 and 4 returned unserved. As per the Bailiff's report the Respondent Nos. 3 and 4 could not be found at the given address.

3. This application is taken for issuing bailable warrant against Respondent Nos. 3 and 4. With the assistance of Mr. Akshay Pawar. I have gone through the application. In view thereof, and more particularly paragraph Nos. 5 to 11 of the application, issue bailable warrant in the sum of Rs. 10,000/- each against Respondent Nos. 3 and 4 returnable on 23rd August, 2019. The police officials attached to Byculla police station shall extend full corporation for execution of the bailable warrant.

4. Civil Application is disposed of.

(R.G. KETKAR, J.)