

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

**CONTEMPT PETITION NO. 334 OF 2019
IN
APPEAL FROM ORDER (ST.) NO. 23390 OF 2019**

Nirman Realtors and Developers Ltd.

...Petitioner.

vs.

Assistant Engineer (B & F) & Anr.

...Contemnors.

.....
Mr. M. V. Raut a/w Hina Khuman, Vidhi Doshi for the Petitioner.
.....

**CORAM : S.C. GUPTE, J.
DATED : 30 AUGUST 2019**

P.C. :

. The present Contempt Petition seeks committal of the Respondents/Contemnors under the Contempt of Courts Act, 1971 for disobedience of an order passed by this Court on 27 August, 2019 in the Appeal from Order.

2. Petitioner's Notice of Motion in the Suit before the Bombay City Civil Court at Dindoshi was made absolute in terms of prayer clause (a). Prayer clause (a) required the Respondent/Contemnors to desist from carrying out any work on the suit plot bearing C.T.S. No.738/B/1/A .

3. It is submitted that in spite of the order passed by this Court on 27 August, 2019, the Respondents continued to carry on construction at site. It is, however noticed, that the order was uploaded on the High Court website on 29 August, 2019, in the evening. After the order was

served on them, the Respondents have stopped carrying out any work at site. There is no order, therefore, necessary in exercise of the Contempt Jurisdiction of this Court.

4. Considering that the work, in fact, continued after the date the order was passed and till the date it was uploaded and served on the Respondents/Contemnors, the Petitioner (Original Appellant in the Appeal from Order) will be at liberty to demolish and dismantle the construction work so far carried out at site.

5. Contempt Petition stands disposed of accordingly.

(S.C. GUPTE, J.)