

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO. 2551 OF 2018**

Ismail Jusab Agwan & Ors ...Petitioners  
*Versus*  
State of Maharashtra & Ors ...Respondents

**WITH  
CONTEMPT PETITION NO. 25 OF 2019  
IN  
WRIT PETITION NO. 2551 OF 2018**

Murtuza m Pardawala & Ors ...Petitioners  
*Versus*  
Valencia Group of Companies & Ors ...Respondents

**WITH  
CONTEMPT PETITION (ST) NO. 40 OF 2019  
IN  
WRIT PETITION NO. 2551 OF 2018**

Clothilda Mario Bernard & Anr ...Petitioners  
*Versus*  
Valencia Group of Companies & Ors ...Respondents

**WITH  
NOTICE OF MOTION NO. 135 OF 2019  
IN  
CONTEMPT PETITION NO. 25 OF 2019**

IN  
WRIT PETITION NO. 2551 OF 2018

|                                   |                |
|-----------------------------------|----------------|
| Murtuza M Pardawala & Ors         | ...Petitioners |
| <i>Versus</i>                     |                |
| Valencia Group of Companies & Ors | ...Respondents |

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**Mr Karl Tamboly**, *with Mr DF Sharma, i/b Dharam & Co, for the Petitioners.*

**Mr Prabhakar Jadhav**, *with Mr Nikhil Patil, i/b VP Sawant, for Respondents Nos. 2 and 3 in Writ Petition.*

**Mr LT Satelkar**, *AGP for State.*

**Mr Shreepad Murthy**, *i/b Abhishek Patil for Contemnors in both Contempt Petitions.*

**Ms Rupali Adhate**, *for MCGM.*

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**CORAM:** S. C. Dharmadhikari &  
G. S. Patel, JJ.

**DATED:** 27th September 2019

**PC:-**

**NOTICE OF MOTION NO. 135 OF 2019 IN  
CONTEMPT PETITION NO. 25 OF 2019 IN WRIT  
PETITION NO. 2551 OF 2018:**

1. These proceedings have been placed before this Bench from 6th June 2019 till date.
  
2. From 17th June 2019, various orders have been passed in these proceedings. The compliance of the same necessitated the matter being placed under the caption “for directions”.

3. The sum of Rs. 90 lakhs was required to be disbursed in favour of the occupants so that they made arrangements for their transit accommodation / residence. There was a default complained of and now a sum of Rs. 90 lakhs has been paid albeit belatedly.

4. We have in these proceedings passed several orders noting and recording the statements and undertakings. They have been understood as undertakings to this Court.

5. Now in terms of the earlier extension granted it is stated that the entire sum of Rs. 90 lakhs has been disbursed by Demand Drafts. The matter was placed in order to enable the Petitioners to inform this Court about the receipt of these Demand Drafts.

6. Today, it is informed that the Demand Drafts have indeed been received, and the sum under the same has been disbursed and paid.

7. After having heard both sides at some length today and perusing with their assistance the Petition and the annexures thereto, we do not think that such questions and issues which though raised in Contempt Petition may have nexus to the main proceedings, need detain us any further. The matter of contempt is between the Court and the alleged contemnor. No benefits other than those flowing from the order of which contempt is complained of can, therefore, accrue nor in this jurisdiction we can grant

additional reliefs much less settled disputed questions, particularly of title to the property.

8. In these circumstances, we do not think it fit and proper to continue these proceedings any further. the Contempt Petition and connected Notice of Motion are disposed of.

9. While we dispose them of, we clarify that beyond recording the rival versions particularly on non compliance with the orders of this Court and the within stipulated time period, we have not expressed any opinion on the rival contentions. The main proceedings as also any proceedings which may be instituted as advised by the occupants will therefore have to be decided on their own merits and in accordance with law, uninfluenced by anything that is observed in the orders on this Contempt Petition.

10. We also do not express any opinion on the maintainability of such proceedings as are likely to be instituted.

11. We clarify that in the event the pay orders received by parties had been drawn not in the name of the recipient or the original occupant is no longer alive, the necessary modified pay orders would be issued. This is the statement of Mr Murthy which is also accepted as an undertaking to the Court.

**CONTEMPT PETITION NO. 40 OF 2019:**

12. This Contempt Petition is instituted by the two Petitioners, who state that the affidavits filed would indicate that there is no compliance of the order of this Court and amounts due have not been paid.

13. Let Mr Murthy file the Affidavit of the Respondents.

14. Place the matter on 18th October 2019 for admission.

**(S. C. DHARMADHIKARI, J)**

**(G. S. PATEL, J)**