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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CONTEMPT PETITION NO.12 OF 2019

WITH

CHAMBER SUMMONS NO.111 OF 2019

IN

WRIT PETITION NO.224 OF 2016

Firoz Ahmed Shaikh s/o Mansoor Ahmed
Shaikh

.. Petitioner

VS

Rahul Mittal Director of Click Investment
and Trading Co. Pvt. Ltd.

.. Respondents

Mr.Sharan Jagtiani a/w Mr.Priyank Kapadia a/w Ms.Anuja
Jhunjhunwala a/w Mr.Vedant Desai i/b M/s.Mulla and Mulla
Associates for the Contemnor

Mr.Moinuddin Ahmed Khan for the petitioner

Mr.Vipin Kamdi a/w Mr.Pradhuman Chauhan i/b Mr.Nimala
Bhosale for the applicant in Chamber Summons No.201 of 2019

**CORAM: K.K.TATED &
SARANG V. KOTWAL, J.J.
DATED: NOVEMBER 19, 2019**

P.C.

. Heard.

2 After hearing for some time, both the counsel submitted Minutes of Order dated 19.11.2019 duly signed by the respective Advocates. Same is taken on record and marked 'X' for identification. Same reads thus:

"MINUTES OF ORDER"

1 *This present Contempt Petition is filed by Mansur Ahmed Nizamuddin Shaikh, since deceased ("**Original Petitioner**"). The Original Petitioner is the Petitioner in Writ Petitioner No. 224 of 2016 who expired on 4th February 2019, leaving behind the following legal heirs:*

- (a) Sarvari Begum*
- (b) Firoz Ahmed*
- (c) Abutalib*
- (d) Abussad*
- (e) Fuzail*
- (f) Maryam*

2 *This Contempt Petition has been pursued by Firoz Ahmed Mansur Ahmed Shaikh being one of the heirs of the Original Petitioner, pursuant to an Order dated 10th July 2019 passed by this Court in Chamber Summons No. 111 of 2019 in the present Contempt Petition.*

3 *As per the information provided by the Petitioner, the Original Petitioner's wife i.e. Sarvari Begum expired on 1st April 2019.*

- 4 *Click Investment and Trading Co. Pvt. Ltd. (i.e. the Company in which the Respondent is a director) has, vide its letter dated 3rd October 2019 and two letters both dated 24th October 2019 (one letter dated 24th October 2019 being addressed by the Advocate for the Respondent), informed the Petitioner and other heirs of the Original Petitioner of the receipt of the Occupation Certificate for the building known as Mittal Avenue. Vide these letters, the legal heirs of the Original Petitioner are called upon to execute the Permanent Alternate Accommodation Agreement (“**PAAA**”) (a draft of which has been circulated) for the Ground Floor premises admeasuring 36 Sq. Mtrs. in the building known as Mittal Avenue situate at 110, Nagindas Master Road, Fort, Mumbai 400001 (“**Ground Floor Premises**”). The said legal heirs have also been called upon to pay the stamp duty, registration charges, and other charges and expenses in respect thereof (as stated in Clause 10 of Consent Terms dated 29th July 2016 filed in Writ Petition No. 224 of 2016). Click Investment and Trading Co. Pvt. Ltd. is ready and willing to execute the PAAA with respect to the Ground Floor Premises with the legal heirs of the Original Petitioner, subject to the legal heirs of the Original Petitioner paying the stamp duty, registration charges and all other cost, charges and expenses as the case may be.*

- 5 *The Respondent, on behalf of Click Investment and Trading Co. Pvt. Ltd., undertakes to execute a possession receipt in favour of M/s. India Engineering Company, Nazre Alam Zahoor Sheikh, Shahe Alam Zahoor Sheikh and Zahoor Ahmed Nizamuddin Sheikh (i.e. “**Intervenors**” who have filed Chamber Summons No. 201 of 2019 in the present Contempt Petition) and put them in possession of an area admeasuring 36 Sq. Mtrs. on the First Floor of the building known as Mittal Avenue situate at 110, Nagindas Master Road, Fort, Mumbai 400001 (“**First Floor Premises**”) in accordance with Paragraph Nos. 3 and 4 of the Order dated*

19th August 2016 passed in Writ Petition (L) No. 2172 of 2016. The rights of the Interveners with respect to the First Floor Premises shall be subject to the outcome of S.C. Suit No. 2399 of 2017 and S.C. Suit No. 1190 of 2018 filed in the City Civil Court.

6 The Interveners hereby undertake not to create any third party rights of any nature whatsoever including but not limited to sale, exchange, parting with possession or creating any encumbrance of any nature whatsoever with respect to the First Floor Premises and shall file an Affidavit to this effect in the Registry within 1 week from the date of this Order and serve a copy of the said Affidavit to the parties. The Respondent states that the Interveners will be put in possession of the First Floor Premises within a period of 10 days from the date of receipt of the said Affidavit.

7 The Respondent clarifies that Click Investment and Trading Co. Pvt. Ltd. will not execute any Permanent Alternate Accommodation Agreement in favour of the Interveners with respect to the First Floor Premises till an order/decreed is passed in that regard.

8 The Contempt Petition is accordingly disposed of.”

3 Contempt Petition as well as Chamber Summons stand disposed of in terms of Minutes of Order dated 19.11.2019.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)