

R.M. AMBERKAR
(Private Secretary)
kpd

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CONTEMPT PETITION NO. 18 OF 2019
IN
WRIT PETITION NO. 3072 OF 2018

Sandhya Pravin Fagnia

.. Petitioner

Versus

Juned Alam Khan & Ors.

.. Respondents

-
- Mr. Moinuddin Khan for the Petitioner
 - Mr. Shrinivas C. Singh for Respondent Nos. 1 to 3
 - Mr. Juned Alam Khan, Respondent No. 1 is present.
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 20, 2019.

P.C.:

1. The above Contempt Petition is filed by the Petitioner on the ground that the respondents have committed contempt of the order passed by this Court dated 9.10.2018 in the above Writ Petition wherein one of the statements of Respondent Nos.2 and 3 which came to be recorded was that an agreement will be executed between the developer and the petitioner for permanent alternate accommodation within a period of one week from the date of the order and the said

agreement will also be registered. However, the said agreement is not executed, till date.

2. Learned Advocate appearing for Respondent Nos. 1 and 3 states that an Agreement for Permanent Alternate Accommodation is not executed since the petitioner has declined to pay the requisite stamp duty. He further states on instructions from the Respondent No.1 who is present in Court that the stamp duty in case of all the original tenants is borne by the tenants.

3. We have perused the order dated 9.10.2018. The said order does not clarify as to which party has to pay the requisite stamp duty. In our view, in absence of such clarity and the statements made by the Advocate for Respondent Nos.1 and 3 that all the tenants have paid the stamp duty qua their respective Agreements and therefore the Petitioner-tenant is not discriminated, and also that he is willing to forthwith execute the Agreement upon the Petitioner paying the requisite Court fees, it cannot be held that Respondent No.1 and/or Respondent No.3 have

breached the Order dated 9.10.2018 and are thereby guilty of committing contempt of Court. The Contempt Petition is therefore dismissed. Needless to add that the Petitioner may pay the stamp duty under protest and take out appropriate proceedings to recover the same if the statement made on behalf of Respondent Nos.1 and 3 turns out to be incorrect.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]