

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

CONTEMPT PETITION NO.362 OF 2022

Jayraj Tank

...Petitioner

Versus

The Municipal Corporation of
Greater Mumbai and Ors.

...Respondents

...

Mr. Mainak Adhikary with Ms Anamika Malhotra for the Petitioner.
Mr. Santosh Parad for the Respondent -MCGM.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th JULY, 2022.

P. C. :-

1. The Petitioner has filed this petition alleging breach of order dated 08/07/2019. A perusal of the said order reveals that the Respondent Nos.3 to 6 had filed a Suit before the City Civil Court, Greater Bombay, seeking decree for perpetual injunction. Said Suit was dismissed. First Appeal No.1099 of 2013 was filed challenging the dismissal of the Suit. Civil Application No.682 of 2012 for stay in the first appeal was dismissed with observations that Authorities are free to take action against the Plaintiff.

2. The Petitioner has filed this contempt petition alleging that

the Corporation has failed to evict the occupants of the Suit premises. There is no order, either in favour of the Petitioner or against the Respondent -Corporation directing them to evict the Plaintiff from the Suit premises. The observations made in paragraph 12 (b) of order dated 08/07/2019 cannot be construed as directions. In my considered view there is no willful breach of the order. Petition has no merits and is accordingly dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)