

Vidya Amin

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

**CONTEMPT PETITION NO. 1 OF 2021
IN
ARBITRATION PETITION NO. 232 OF 2020**

Himatlal G. Kachhara (HUF) & Ors.

... Petitioners

V/s.

Sunil Kishanlal Jain

... Respondent

Mr. Sharan Jagtiani, Senior Advocate a/w. Ms. Shradha Achliya, Mr. Amol Chile, Mr. Vikram Jakhadi i/b. Mr. Ajit Jakhadi for the petitioners.
Mr. Vinod S. Pandey i/b. S.U. Pandey for the respondent.

CORAM : G.S. KULKARNI, J.

DATE : MAY 4, 2022.

P.C.:

1. I have heard Mr. Jagtiani, learned senior counsel for the petitioners and Mr. Vinod Pandey, learned counsel for the respondent-contemnor. The grievance in the present petition is in regard to the non-compliance of the order dated 31 January, 2020 passed by this Court in the above Arbitration Petition in terms of the consent terms dated 31 January, 2020 executed between the parties. The proceedings came to be disposed of, however, accepting an undertaking on behalf of the respondent to comply the terms as agreed between the parties as set out.

2. The proceedings were heard on 15 March, 2022 and thereafter today. Mr. Pandey, learned counsel for the respondent, on instructions of his clients, who is present in the Court makes a statement that the respondent shall execute a simplicitor Deed of Retirement on or before 5

May, 2022 in terms of the draft annexed at Exhibit 'F' (pages 68-96) of the present petition.

3. Mr. Jagtiani, learned senior counsel for the petitioners would submit that if such an assurance to comply with the undertaking as made to the Court in the order dated 31 January, 2020 is being made and shall be complied by the respondent/contemnor, in that event, his client would not intend to press the Contempt Petition, however, keeping open the rights of the petitioners to revive this petition in the event such compliance is not made. Mr. Jagtiani, on instructions, has also stated that the petitioner no. 4 and respondent shall continue to be bound by its obligations as set out in the consent terms even after execution of the Deed of Retirement by the respondent. Such statement of Mr. Jagtiani also is accepted.

4. The Contempt Petition is, accordingly, disposed of accepting the above statement of Mr. Pandey as made on behalf of the respondent/contemnor.

5. All other rights and contentions of the parties are expressly kept open.

6. It is clarified that in the event the respondent/contemnor fails to comply with the undertaking as noted above, the same shall be treated

as a matter of aggravated contempt, with liberty to the petitioner to revive the present proceedings.

7. Disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]