Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO.19 OF 2019
IN
APPEAL FROM ORDER NO. 75 OF 2008

EASTERN STAR HOTELS AND RESORTS PVT. LTD., THROUGH ITS AUT. REP. AND GEN. MANAGER, VIKRAM GOHAR., ... Petitioner.

Versus

SURESH MADHUKAR KERKAR AND ANR. .... Respondents.

WITH
CONTEMPT PETITION NO.25 OF 2022
IN
APPEAL FROM ORDER NO. 75 OF 2008

EASTERN STAR HOTELS AND RESORTS PVT. LTD., THROUGH ITS AUT. REP. AND GEN. MANAGER, V IKRAM GOHAR., ... Petitioner.

Versus

SANDESH CHODANKAR. ..... Respondent.

WITH
CONTEMPT PETITION NO. 7 OF 2020
IN
APPEAL FROM ORDER NO. 75 OF 2008

EASTERN STAR HOTELS AND RESORTS PVT. LTD.,

THROUGH ITS AUT. REP.
AND GEN. MANAGER, V
IKRAM GOHAR., ... Petitioner.

Versus

MAHESH BAGKAR. ..... Respondent.

WITH
CONTEMPT PETITION NO. 24 OF 2022
IN
APPEAL FROM ORDER NO. 75 OF 2008

EASTERN STAR HOTELS
AND RESORTS PVT. LTD.,
THROUGH ITS AUT. REP.
AND GEN. MANAGER, V
IKRAM GOHAR., ... Petitioner.

Versus

SHYAM KERKAR. ..... Respondent.

Mr Shivan Desai, with Ms M. Viegas, Advocates *for the Petitioner.*
Mr Ganesh Naik, Advocate *for the Respondents.*

CORAM : M. S. SONAK, J.

DATE : 17th March 2023

P.C. :

1. The Petitioners allege contempt because the Respondents are defying the injunction granted by order dated 6/2/2009 pending disposal of the Suit instituted by the Petitioners.

2. The Suit is already disposed of and the Decree has been made in the suit. In any case, assuming there was any wilful disobedience of the injunction order, this was not a fit case for invoking contempt jurisdiction of this Court. At the highest, in the peculiar facts of this case, the Petitioners should have invoked provisions of Order 39, Rule 2-A of the CPC.

3. Now that the suit itself has been decreed, it is obviously open to the Petitioners to seek execution of such decree.

4. Accordingly, there is no reason to keep these contempt petitions pending. The Petitions are disposed of, with liberty to the Petitioners to institute execution proceedings, in case there is any non-compliance with the decree.

M. S. SONAK, J.

SANTOSH S MHAMAL
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Date: 2023.03.18 13:19:06 +05'30'