

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO. 7 OF 2019
IN
SECOND APPEAL NO. 68 OF 2000

ABHAY DATTA SAWANT AND 7 ORS.,

... Petitioners.

Versus

ASHOK TUKARAM NAIK SALGAONKAR
AND 6 ORS

... Respondents.

Mr Shivan Desai, Advocate *for the Petitioners.*

Ms Annelise Fernandes, Advocate *for Respondent No.1 & 3.*

Mr Sagar G. Dhargalkar, Advocate *for Respondent No.2.*

CORAM : M. S. SONAK, J.

DATE : 13th APRIL 2023

P.C. :

1. In this contempt petition, the allegation was that the Respondents were not complying with the directions in this Court's Judgment and Order dated 15/09/2010 in Section Appeal No.68/2000. The operative part of this Judgment and Order, of which the non-compliance was alleged, reads as follows :

“22. In the result, therefore, the impugned judgment and decree dated 21.3.2000 passed by the Additional District Judge Panaji, in Miscellaneous Civil Appeal No.142 of 1999 is quashed and set aside. The order dated 14.10.1999 passed by the Civil Judge, Senior Division, Mapusa, in Civil Miscellaneous Application No.331 of 1996 is maintained. The respondents are directed to

hand over possession of the front room of the suit premises to the appellants within a period of two months from today.

2. On 17/3/2023, this Court made the following order :

“1. Mr Sagar Dhargalkar has appeared in this matter on behalf of Respondent No.2. His Vakalatnama is also on record. However, today he is not present.

2. Accordingly, the matter is adjourned to 30th March 2023. On this date, Respondent No.2 is directed to appear in person. Mr Desai states that steps will be taken to serve this order on Respondent No.2. He states that Respondent No.2 has earlier been avoiding service and, therefore, an attempt will be made to serve Respondent No.2. The Petitioners are also granted liberty to serve Advocate Shri Sagar Dhargalkar, so that Advocate Shri Dhargalkar can also inform his client about this order.

3. Mr Bhobe, who appears for Respondents No.1 and 3, states that the Respondents to whom he is representing, are not obstructing or defying the orders made by this Court. Mr Desai states that Respondent No.2 is obstructing implementation of the orders of this Court.

4. Stand over to 30th March 2023.

5. All concerned to act on an authenticated copy of this order.”

3. On 31/3/2023, after Mr Dhargalkar was heard for Respondent No.2, the matter was reserved for orders. However, Mr Dhargalkar, at that stage, made a statement that Respondent No.2 will comply with the directions in this Court's Judgment and Order dated 15/09/2010.

4. Accordingly, on 31/3/2023, this Court made the following order :

“1. Heard arguments. Reserved for orders.

2. At this stage, Mr Dhargalkar, learned counsel for respondent no.2 states that this Court's Judgment and Order dated 15.09.2010, in which, this Court had directed the respondents to hand over the possession of the front room of the suit premises to the appellants will be complied with within a week from today.

3. Further, Mr Bhobe, learned counsel for respondents no.1 and 3 has made it clear right from 17.03.2023 that respondents no.1 and 3 are not obstructing or defying orders made by this Court.

4. Stand over to 13.04.2023 for reporting compliance. Further, on the request made by Mr Dhargalkar, personal appearance of respondent no.2 was exempted today. However, should there be no compliance by the respondent no.2, then, the respondent no.2 will have to remain present on the next date.

5. Today, Mr Dhargalkar, on instructions from Respondent No.2, states that Respondent No.2 has complied with the directions in this Court's Judgment and Order dated 15/9/2010. This position is confirmed by Mr Shivan Desai, learned Counsel for the Petitioners.

6. Mr Desai, on instructions, states that the Petitioners are not interested in pursuing this contempt petition any further.

7. Respondents No.1 and 3 who appears, had never defied the directions of this Court. Now that Respondent No.2 has also complied with the directions of this Court and the fact that he is

77 years old, there is no necessity to continue this contempt proceedings any further.

8. Accordingly, these contempt proceedings are disposed of.

M. S. SONAK, J.

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