

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 67 OF 2021

Manali Mohan Gujar

.. Petitioner

Versus

Mohan Manohar Gujar

.. Respondent

Mr. Suryaprakash Dube for the Petitioner.

Mr. Sandeep C. Gurav for the Respondent.

CORAM : B. P. COLABAWALLA &
M. M. SATHAYE, JJ.

DATE : OCTOBER 06, 2023

P. C.

1. The above Contempt Petition is filed by the Petitioner making a grievance that the Respondent, though in Consent Terms dated 12th April, 2018, having agreed to execute and register a Gift Deed in relation to Flat No. 407 situated at Shri Sai Dham Co-operative Housing Society Limited, N. S. Phadke Marg, Saiwadi, Andheri (East,) Mumbai 400069 in the name of the Appellant/Petitioner, the same was not done. The other violation is that the Respondent was to execute and register a Gift Deed of Shop No. 2G, Building No.A-11, Om Sai Ram SRA Co-operative Housing Society Limited, N. S. Phadke Marg, Saiwadi,

Andheri (East,) Mumbai 400069 in favour of the Appellant/Petitioner and this also was not done. It is for these reasons that the present Contempt Petition was filed.

2. When this matter had come up earlier, we noted these facts in our order dated 23rd June, 2023 and recorded a statement of the Respondent that the aforesaid Gift Deed would be executed within a period of two weeks from 23rd June, 2023. We also noted that the consent terms directed the Appellant to hand over the original LIC policies standing in her name and in the name of her two sons. On 23rd June, 2023, the learned Advocate appearing for the Appellant/Petitioner stated that they had offered these LIC policies to the Respondent but he had not taken them. We had therefore directed to the Appellant/Petitioner to keep the original policies before this Court on the next date to hand over the same to the Respondent.

3. The matter has now reached today. Today, we are informed and it is a common ground that both the Gift Deeds have been duly executed by the Respondent in favour of the Appellant/Petitioner. The original LIC policies of herself and her two sons are also handed over by the Appellant/Petitioner to the Respondent/husband in Court today.

We, therefore, find that there has now been full compliance with the consent terms and of which violation was alleged in the above Contempt Petition. We, therefore, find that nothing survives in the above Contempt Petition and the same is disposed of accordingly.

4. At this stage, the learned Advocate appearing for the Appellant/Petitioner made a grievance that there is an issue of title of the properties of which the Gift Deeds are executed by the Respondent in favour of the Appellant/Petitioner. We find that this is an issue that cannot be gone into in the above Contempt Petition. If indeed such is the case, the Appellant is free to take out appropriate proceedings in accordance with law.

5. The above Contempt Petition is accordingly disposed of. No order as to costs.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]