



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

CONTEMPT PETITION IN COMMERCIAL DIVISION MATTERS NO.
26 OF 2022
IN
COMMERCIAL SUIT NO. 107 OF 2018

Mahendrakumar Misrimal Jain and 39 Ors. ...Petitioners

vs.

Vishal Mega Developers and Ors.

AND

Priti Ramnivas Goyal and Ors.

...Defendants/
Contemnors

Mr.Mutahhar Khan a/w Mr.Hemant Mehta, Mrs.Jinal Mehta and
Ms.Anamika Tiwari i/b.Mehta & Co. – Advocates for Petitioners.
Mr.Vilas L. Indulkar i/b.V.I.Juris–Advocate for Contemnors Nos.1 to 7.

CORAM : S. M. MODAK, J.

DATED : 21ST AUGUST 2023

P. C. :

1. Heard learned Advocate for the Petitioners and learned Advocate for the Contemnors.
2. This Contempt Petition is filed for non compliance of the decree passed on 28th September, 2018 in Commercial Suit No.107 of 2018. It is on the basis of '*consent terms*' dated 28th September, 2018 executed in between the parties therein.

3. The Petitioner No.31 has expired and Ushaben Sushil Trivedi is his wife. So also, Respondent No.3 has expired and Amish Dhirajlal Thaker is her son. The Petitioners are praying for the amendment. Minutes of the order is filed. It is consented on behalf of the Contemnors. Let that amendment be carried out in the Petition. During pendency of this Contempt Petition, now again the parties have arrived at a settlement and they have filed '*consent terms*'. It is signed by the Petitioners and by Contemnor Nos.1 to 7. It is taken on record and marked as Annexure-X.

4. There is a prayer to dispose of this Contempt Petition in view of those '*consent terms*'. So, the Contempt Petition is disposed of in terms of the '*consent terms*'. The undertaking recorded therein is considered as an undertaking given to the Court.

5. Copy of a letter dated 9th February, 2023 addressed by Doshi Realty Pvt. Ltd., to JDJ Vishal is tendered on record. On behalf of the Contemnors, Contemnor Nos.2 and 6 have signed. When a query is put up about this letter, it is submitted that this is an arrangement in between the Contemnors. It is also submitted that inspite of this arrangement, the responsibility to adhere to the '*consent terms*' is on the Contemnors only. Even according to Petitioners, they are not

concerned with an arrangement, if any, as per that letter. This letter is taken on record and marked as Annexure-Y.

6. Accordingly, the Contempt Petition is disposed of.

[S. M. MODAK, J.]