

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CONTEMPT PETITION NO. 97 OF 2024**

Bhagwan Wadhwani

...Petitioner

Versus

Pashmina Realty Private Limited

...Respondent

....

Mr. Siddhesh Bhole, a/w. Mr. Apoorva Kulkarni i/b. SSB Legal and Advisory for the Petitioners.

Mr. Yash Momaya, a/w. Mr. Samit Shukla, Ms. Sayali Diwadkar i/b. DSK Legal for Respondent.

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CORAM : SANDEEP V. MARNE, J.**DATED : 06 FEBRUARY 2024.****P.C. :**

The controversy in the present Contempt Petition is quite unnecessary. Parties have already resolved disputes by filing consent terms before this Court which have been accepted by Order dated 03 March 2023. It appears that in pursuance of said consent terms the Respondent has already made payment of Rs.58 Lakh and Rs.1.16 Crores to the Petitioner. It is only the last tranche of the payment of Rs.1.16 Crores which remains to be paid. It appears that said payment is not made by the Respondents only on account of non-execution of deed of cancelling the agreement for sale dated 31 January 2015. Both the parties are blaming each other for non-execution and non-registration of the Deed of Cancellation.

2. It is the case of Petitioners that they have already executed power attorney authorizing their constituted attorney to admit execution of all documents before the Sub-Registrar of Assurance. That the deed of cancellation have already been personally signed by the Petitioner.

3. On the contrary it is the apprehension of the Respondent that on account of lack of specific power in the PoA to admit execution of cancellation deed, the Sub-Registrar Assurances may raise an objection for registration of the deed of cancellation.

4. I have gone through the Power of Attorney dated 07 April 2021 which clearly authorizes the constituted attorney to admit execution of 'any other document' on behalf of the executant of the power of attorney. In that view of the matter, I do not see any difficulty as to why Sub-Registrar would raise any objection for registration of the deed of cancellation. Let the execution deed of cancellation be registered in the office of concerned Sub-Registrar of Assurance on 20 February 2024 when parties shall remain present and complete the process of registration. On the same day, Respondent shall pay balance amount of Rs.1.16 Crores to the Petitioners as agreed in the consent terms. Contempt Petition is accordingly disposed of.

SANDEEP V. MARNE, J.

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