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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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Date: 2024.03.22
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CONTEMPT PETITION NO.219 OF 2022

WITH

CIVIL APPLICATION NO.55 OF 2017

IN

CONTEMPT PETITION NO.219 OF 2022

Nirmala N. Shah

...Petitioner

V/s.

Veenagauri R. Mehta & Ors.

...Respondents

Mr.Hemen Thakkar with Ms.Rohini Khedekar and Ms.Shraddha Jadhav for the Petitioner.

Mr.Rupesh Bhalshankar for Respondent No.4.

CORAM : RAJESH S. PATIL, J.

DATE : 19TH MARCH, 2024.

P.C. :-

1. Mr.Rupesh Bhalshankar holding for Mr.D.D. Singh for Respondent No.4 submits that Respondent No.4 – Mr.Ajay Shukla is present in Court, who is the partner of M/s.Om Sai Developers and he is handing over, keys of Flat No.1203 along

with Possession Letter and the latest photographs of the said flat No.1203 to the Petitioner in Court. The keys of the said Flat No.1203 along with Possession Letter and the latest photographs are accepted by advocate Ms.Shraddha Jadhav for the Petitioner.

2. Mr.Rupesh Bhalshankar submits that as per the terms agreed, the Petitioner was supposed to pay a sum of Rs.4,50,000/-. Ms.Jadhav appearing for the Petitioner has handed over a cheque to advocate Mr.Rupesh Bhalshankar today in Court for the amount of Rs.4,50,000/- drawn in the name of M/s.Om Sai Developers dated 13 February 2024.

3. It is hereby further clarified that the amount of Rs.2,00,000/- deposited in this Court will be allowed to be withdrawn, by the Petitioner along with accrued interest, if any. It is further clarified that as earlier agreed between the parties and also clarified by the Petitioner by filing an affidavit dated 30 March 2022 that the Petitioner is using both the surnames i.e. Mr.Suresh Nanajibhai Shah @ Suresh Nanji Gangar. Parties have agreed that Mr.Suresh Nanajibhai Shah and Suresh Nanji Gangar, is the name of one and the same person.

A scanned copy of the affidavit dated 30 March 2022 is reproduced hereinbelow :-

Tender in court
13D

NOTED & REGISTERED
Sr. No. 68 PG. No. 30
Date: 30/03/2022

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY

CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.219 of 2022
IN
R.A.D. SUIT NO. 778 OF 2010





Suresh Nanjibhai Shah Petitioner

Versus

Mrs. Veenagauri Rasiklal Mehta Respondents

Petitioner's Affidavit on oath

I, Suresh Nanjibhai Shah alias Gangar aged 55 years, Indian Inhabitant, Occupation: Service, permanent address at Flat no. 704, 7th Floor, Shree Ganesh Enclave CHS. Ltd. (previously known as Rashmi Kunj thereafter Rasikniwas Building), Liberty Garden Cross Road No. 3, Near Mehta Industrial Estate, Malad (W), Mumbai- 400 064 AND presently

residing at K- 2, Flat no. 004, Jainaj Nagar, Near
Manav Mandir, Vasai (W) Thane — 401 202 the
Petitioner above named, do hereby solemnly affirm and
state as under:-

1. I say that, my mother Late Smt. Nirmala
Nanjibhai Shah filed the above Petition praying
for punishment and prosecution of Respondents
for contempt of Court committed by the
Respondents and after demise of my said mother
I have been joint Party Petitioner in the above
matter and I do hereby repeat, reiterate and
confirm all such statement and submissions made
in the above Petition as if independently
travelled herein.
2. I say that, vide an order dated 12/12/2018 passed
His Lordship Mr. Justice M.S. Sonak J. the
Respondents being directed to deposit in the





office of this Hon'ble Court outstanding arrears of monthly rent till December 2018 and the same being deposited by the Respondents vide an order dated 07/08/2019 passed by His Lordship Mr. Justice R.G. Ketkar J. the Petitioner has been permitted to withdraw the same and accordingly the withdrawal request being submitted along with bank details which reflects my name as Suresh Nanjibhai Gangar due to which the withdrawal could not be proceeded.

3. I say that, after the demise of my said mother I applied for Heirship Certificate vide Misc. Petition No. 96 of 2017 which being granted by this Hon'ble Court vide order dated 31/07/2017 in which my name is stated as "Suresh Nanjibhai Shah alias Gangar" and hereto annexed and marked as EXHIBIT A is the copy of Heirship

Certificate dated 31/07/2017 issued in Misc.

Petition no. 96 of 2017.

4. I say that, since during the lifetime of my said deceased parents Late Shri. Nanjibhai Khimji Gangar alias Shah (my deceased father) and my deceased mother Late Smt. Nimslaben Nanjibhai Gangar alias Shah they have been using both the surname "Shah" as well as "Gangar" and to that effect I am producing herewith the documents as follows:

Sr. no.	Particulars
1	Aadhar Card of Nanji Khimji Gangar
2	Senior Citizen ID Card Nanji Khimji Gangar
3	Election Card of Nanjibhai Khimji Gangar

4	Senior Citizen Card of Nirmalaben Nanjibhai Shah (Gangar)
5	Election Card of Nirmal Nanji Gangar
6	Aadhar Card of Nani Nanji Gangar
7	Affidavit of Nanjibhai Khimji Gangar
8	Affidavit of Nirmal Nanji Gangar
9	Affidavit of Nirmal Nani Gangar



Which are hereto marked as EXHIBIT B Copy.

5. I say that, I am known as Suresh Nanjibhai Shah as well as Suresh Nanjibhai Gangar and accordingly both the surnames "Shah" and "Gangar" pertain to me and the same is being intimated and brought on the record of this Hon'ble Court in Misc. Petition no. 96 of 2017.

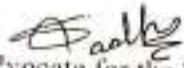
6. I am swearing this affidavit for placed the
aforesaid facts on record pursuant to the
directions of this Hon'ble Court vide order dated
30/03/2022.

Place : Mumbai

Date :

Suresh N. Gangar

SURESH NANJIBHAI SHAH


Advocate for the Petitioner

Petitioner



VERIFICATION

I, SURESH NANJIBHAI SHAH, aged 55 years, Indian
Inhabitant, Occupation: Service, permanent address at
Flat no. 704, 7th Floor, Shree Ganesh Enclave CHS.
Ltd. (previously known as Rashmi Kunj thereafter
Rasikniwas Building), Liberty Garden Cross Road No.
3, Near Mehta Industrial Estate, Malad (W), Mumbai-
400 064 AND presently residing at K- 2, Flat no. 004,

Jairaj Nagar, Near Manav Mandir, Vasai (W) Thane –
401 202 the Petitioner above named, do hereby
solemnly affirm and state that whatever stated
hereinabove is true to my own knowledge and beliefs
and I believe the same to be true.

Solemnly declared at Mumbai)

this day of March 2022)

Suresh N. Gangot
SURESH NANJIBHAI SHAH
Petitioner



[Signature]
Advocate for the Petitioner

Before me,



BEFORE ME

30/03/2022
MAR 2022
RAJESH D. DOSHI
REGD. No. 15387
ADVOCATE & NOTARY GOVT. OF INDIA
A/122, Agave House, Tungreshwar, Near Station,
Jaya Road West, Dist. Palghar - 401 202, Maharashtra.



4. In view of the same, the Contempt Petition is accordingly disposed of. In sequel, all the Interim Applications / Civil Applications are also disposed of.

(RAJESH S. PATIL, J.)