

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO.26 OF 2024
IN
WRIT PETITION NO.769 OF 2018**

Vinay Francis Nunes	.. Petitioner
Vs.	
Vinaykumar Yukti Mandal and Ors.	.. Respondents

Mr. Manek Kalyaniwalla with Mr. Sagar Amrut Rane, Advocates for the Petitioner.

Mr. Prabhat Kumar J. Dubey, Advocate for Respondent No.1.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 19TH DECEMBER 2024.

PC. :

1. Writ Petition No.769 of 2018 was filed by the present respondent no.1 against the respondent no.2 herein. The present petitioner was respondent no.2 in Writ Petition No.769 of 2018. The said parties entered into Consent Terms on 27th April 2018 whereby the respondent no.1 herein agreed to clear the dues of the present petitioner as well as the respondent no.2 herein. On the basis of those consent terms, Writ Petition No.769 of 2018 was disposed of on 27th April 2018.

2. Since there has been non-compliance of the consent terms, the respondent no.2 in Writ Petition No.769 of 2018 has filed the present Contempt Petition. Despite issuance of notice and thereafter grant of time to purge the contempt, the respondent no.1 has failed to act in accordance with the consent terms.

3. In absence of any justification whatsoever for not complying with the consent terms, we prima facie find that the respondent no.1 has wilfully breached the Consent Terms signed by him. Accordingly, charge is framed against the respondent no.1 herein as under :-

“The respondent no.1 having breached the Consent Terms dated 27th April 2018, he shall show cause why he should not be punished for having disobeyed order dated 27th April 2018 passed in Writ Petition No.769 of 2018 amounting to civil contempt?”

4. Respondent no.1 is present in Court today. His learned counsel seeks time to file affidavit-in-reply. Time granted.

5. List under the caption “For Directions” on 29th January 2025.

6. Respondent no.1 shall remain present in Court on the next date of hearing.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]