

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 57 OF 2024

Peter Colman Bain by LRs Sandra P Bain & ...Petitioners
Anr

Versus

Yusuf Shaikh & Anr ...Respondents

Mr. B.S. Nayak, for the Petitioner.

CORAM AVINASH G. GHAROTE, J.
DATED: 11th June, 2024

PC:-

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RAMCHANDRA
SANKPAL

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1. Heard Mr Nayak, learned Counsel for the Petitioners. The contention is that the order dated 11.10.2011 passed in Notice of Motion No. 1847 of 2010 in Suit No. 1848 of 2010, in which the Commissioner has recorded a statement of the Defendants to the extent that they will not carry out any tenantable repairs or structural modifications or alternations to the suit property has been violated, for which the reliance is placed upon the Commissioner's Report dated 10.11.2013.

2. For the purpose of demonstrating violation of aforesaid undertaking it was necessary to the Petitioner to place on

record the factual position as in existence on the date of recording of the undertaking on 11.10.2011 which is absent.

3. The Commissioner's report merely relies upon the statement of the Plaintiff which, is unverified and therefore cannot form the basis for issuance of the notice of contempt.

4. I therefore, not find any case for violation being made out. Therefore, I find no reason to issue notice.

5. The Petition is therefore dismissed. No costs.

(AVINASH G. GHAROTE, J)