



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.214 OF 2024

Paul Rozario Alvares Since Deceased

...Petitioner

Versus

Abhishek Rajiv Bhujbal

...Respondent

Adv. Darmaan J. Dala for the Petitioner.

Adv. Nitin Gaware Patil i/b Mohan Gavade for the Respondent in CP/214/2024.

Adv. Priyanka Chavan, AGP in WP/7623/2007.

Coram : Sharmila U. Deshmukh, J.

Date : September 30, 2024.

P. C. :

1. Heard.

2. By this Contempt Petition, contempt is alleged of the order dated 1st December, 2023 recording that the Respondent No. 8 will not create any third party right in respect of suit property except with the leave of the Court. The Petition came to be filed as the Petitioner noticed that advertisement was issued on 28th January, 2024 for the purpose of sale of the plots on the subject property.

3. In the reply filed by Respondent No. 8 affirmed on 18th July, 2024, it is stated that after the date of hearing of 1st December, 2023, the Respondent in this Petition has not created any third party rights in the suit land. It is further stated that prior to passing of the order of 1st December, 2023, only notarized agreements in respect of ten plots was entered into and that after 1st December, 2023, the Respondent

has not entered into any agreement with any purchaser.

4. Perusal of the order dated 1st December, 2023, would indicate that the statement made was that the Respondent herein, who was the Respondent No. 8 therein, will not create any third party interest in respect of the suit property except with the leave of the Court.

5. Considering the averments in the affidavit, there is positive statement on oath made by the present Respondent that no third party right have been created in respect of the suit land after 1st December, 2023. It is not pointed out that apart from issuance of advertisement, there is actual transfer of right, title and interest in favour of third party. Therefore, as of today, there is no contempt of order dated 1st December, 2023. In view of order dated 1st December, 2023, though without the leave of the Court no third party rights to be created in respect of the suit lands, in event in respect of the prior booking of ten plots of which notarized agreements have been executed prior to passing of the order dated 1st December, 2023 before the registered agreements of sale are executed even in respect of the said ten plots, the Respondent to seek appropriate leave of this Court to ensure that the same are prior to the order dated 1st December, 2023.

6. The Contempt Petition stands disposed of in the above terms.

[Sharmila U. Deshmukh, J.]