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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.221 OF 2024

IN

CIVIL REVISION APPLICATION NO.232 OF 2023

M/s.Haribhai B. Desai & Ors.

...Petitioners

V/s.

Nareshkumar Chhaganlal Rathod & Ors. ...Respondents

Mr.Pradeep Thorat with Mr.Rushikesh S. Kelkane for the
Petitioners.

Mr.Nareshkumar C. Rathod - Respondent No.1 appear in person.

CORAM : RAJESH S. PATIL, J.

DATE : 17TH APRIL, 2024.

P.C. :-

1. This Contempt Petition is filed by the original landlord
thereby submitting that there is willful and deliberate breach of
the order dated 8 August 2023 passed by this Court in Civil
Revision Application No.232 of 2023 by Respondent No.1.

2. Respondent No.1 Naresh Chhaganlal Rathod is present
in Court along with his wife. Pursuant to the order passed by

this Court in Civil Revision Application No.232 of 2023 on 8 August 2023, Respondent No.1 along with all adult members of his family viz. his wife and daughter have given an undertaking to this Court that they will vacate the suit premises on or before 31 December 2023.

3. Mr.Thorat appearing for the Petitioners submits that Respondent No.1 did not take any steps till 31 December 2023 and after 31 December 2023, Respondent No.1 filed a Special Leave Petition (SLP) (Civil) No.9296 of 2024, on 27 February 2024, challenging the order passed by this Court on 8 August 2023. The said SLP was dismissed by the Supreme Court on 12 March 2024. However, time to vacate was further extended till 31 March 2024. As of 31 December 2023, Respondent No.1 chose not to vacate the suit premises. Hence, the original landlord has filed the present Contempt Petition.

4. This Contempt Petition was before me on 2 April 2024 and on 5 April 2024. Since Respondent No.1 appeared in person on these dates and submitted that he has already filed Review Petition before the Supreme Court, hence in order to allow

Respondent No.1 to pursue his Revision Petition, this Court adjourned the present Contempt Petition to 17 April 2024 i.e. today.

5. Today again Respondent No.1 has appeared in person and submitted to this Court that he has filed Review Petition on 3 April 2024, however, the same has not come upon board. He submits that as per the new policy of the Supreme Court, the Review Petition will automatically come up on board. He submits that since the matter has not come up, this Court should grant him short adjournment. He further submits that he does not have accommodation to stay in the city of Mumbai and therefore, requires some time to vacate the suit premises. The Contempt Petition is filed on 16 February 2024.

6. According to me, taking into consideration the submissions made by Respondent No.1 and after going through the proceedings, which are before me, I am satisfied that the contempt notice is required to be issued against Respondent No.1. Respondent No.1 is present in Court.

7. Issue show cause notice to Respondent No.1 as to why

action should not be taken against Respondent No.1 under the provisions of Contempt of Courts Act, 1971 for willful disobedience of the order dated 8 August 2023.

8. Respondent No.1 is hereby directed to file reply to the contempt notice within one week from today.

9. Stand over to 24 April 2024. The matter to come up on the supplementary board.

(RAJESH S. PATIL, J.)