

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

CONTEMPT PETITION NO.221 OF 2024

M/s. Haribhai B. Desai & Ors.

....Petitioners

V/S

Nareshkumar Chhaganlal Rathod & Ors.

....Respondents

Mr. Pradeep Thorat i/b Mr. Rushikesh Kekane *for the Petitioners.*

Mr. Prakash Singh a/w Mr. Heena Shaikh i/b M/s. M.V. Kini & Co. for Respondent No.2-AIESL.

Mr. Nimay Dave a/w Mr. Hardik Sampat and Mr. Shiva Gaur i/b Mr. Anil Mandhane *for Respondent No.3.*

CORAM: SANDEEP V. MARNE, J.

DATE : 24 JUNE 2024.

P.C.:

1 On 10 June 2024 this Court passed following order:

“1. Mr. Thorat, the learned counsel appearing for the Petitioners would submit that possession of the premises was obtained with police aid from the Respondent No.1/Contemnor on 3 June 2024 and Petitioners had put their own lock on the premises after obtaining its possession. Mr. Thorat would further submit that Respondent No.1, however has broken open the lock put up by the Petitioners and has put his own lock on the premises. Mr. Thorat would seek time to file Affidavit to bring on record these events. Respondent No.1 is not present before the Court.

2 List the Contempt Petition on **24 June 2024 under the caption ‘for circulation’.**

2 Accordingly the Petitioner No.3 has filed Additional Affidavit dated 10 June 2024 to bring on record the events relating to taking over possession of the premises and Respondent No.1 locking the same.

3 Today Respondent No.1 is not present before the Court nor is represented through any advocate.

4 Mr. Thorat would submit that the lock put by Respondent No.1 continues at the door of suit premises and whereabouts of Respondent No.1 are unknown. In that view of the matter, Petitioners are permitted to break open the lock put up by Respondent No.1 at the door of the suit premises and take possession of suit premises, if necessary by taking police aid of the Khar Police Station who shall assist the Petitioner in breaking open the lock put by the Respondent No.1 at the suit premises.

5 Once the above arrangement is made, Mr. Thorat would submit that nothing further would survive to be adjudicated in the Contempt Petition. The Contempt Petition is accordingly closed.

(SANDEEP V. MARNE, J.)

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