

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.373 OF 2024

Shraddha Co-operative Housing Society Limited
and Anr.

.. Petitioners

Versus

Maharashtra Housing and Area Development
Authority and Ors.

.. Respondents

-
- Mr. Mukesh Vashi i./by M. P. Vashi & Associates, Advocate for
Petitioners.
-

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 09, 2024

P.C.:

1. Heard Mr. Vashi, learned Advocate for Petitioners.
2. In the present Contempt Petition, Petitioners have stated that order of *status quo* dated 02.07.2010 in S.C. Suit No.2310 of 2004 alongwith order dated 12.04.2005 in Suit No.1756 of 2005 passed by the City Civil Court, at Dindoshi have been breached by the Respondents.
3. It is specifically stated that by virtue of the said orders there was an embargo in respect of dealing with the suit properties i.e. two suit plots which are described in paragraph No.3 of the Contempt Petition.
4. Mr. Vashi would submit that pursuant to allotment of the twin plots to the Petitioners by allotment letter dated 27.05.1998, the

Petitioners completed compliances as required of the Petitioners for fructifying the allotment in their favour. He has drawn my attention to the averments made in paragraph No.4 of the Contempt Petition wherein, it is seen that Petitioners had filed a precursor Suit namely S.C. Suit No.470 of 1993 for injunction against Respondent No.1 and on 25.03.2003, the City Civil Court has passed a decree in favour of Petitioners for want of written statement on behalf of Respondent No.1.

5. Mr. Vashi would argue that under the decree, allotment of the twin plots to the Petitioner No.1 – Society was confirmed subject to compliance of the conditions in the letter of allotment. However he would submit that the necessity to file the present Contempt Petition has arisen in view of the Respondents / Statutory Authorities / Statutory Officers having taken further steps for issuing processes for sanctioning a Slum Rehabilitation Scheme on the said twin plots thereby jeopardising the substantive legal rights of the Petitioners and in breach of the order passed by the Court. He would submit that the action on part of Respondents clearly amounts to breach of the *status quo* orders granted by the City Civil Court as delineated hereinabove. With his able assistance, I have perused the pleadings and the orders passed by the City Civil Court in respect of which contempt is alleged.

6. In view of the above, issue notice to the Respondents.

Humdast permitted. In addition to Court's notice, Petitioners are directed to serve the Respondents a copy of this order and copy of the Contempt Petition and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

7. Respondents are directed to take cognizance of this order and Contempt Petition and file Affidavit-in-Reply to the Contempt Petition within a period of two weeks from today. Rejoinder, if any, to be filed within a week thereafter.

8. Stand over **13th November, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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