



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.502 OF 2024

Manoj Kiranchand Sanghavi And Ors.

...Petitioners

Versus

Rushab Lalchand Nahar And Ors.

...Respondents

Adv. Sameer Kumbhakoni for the Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : September 13, 2024.

P. C. :

1. Contempt is alleged of the order dated 4th September 2019. By the said order, the parties were directed to maintain *status quo* in respect of the suit property.
2. Learned counsel for the Petitioners submits that the order of 4th September, 2019 was communicated to the Respondent No. 14 against whom contempt has been alleged by notice dated 10th May, 2024. He submits that by a deed of confirmation dated 14th May, 2024 the property has been sold by Respondent No.14 and therefore there is a violation of the order of 4th September, 2019.
3. Perusal of the deed of confirmation, which is at page 67 of the Contempt Petition, would indicate that the deed of confirmation confirms the sale by PNB Housing Finance Limited by way of conducting a public auction on the issuance of sale certificate under the provisions of Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 . It is therefore clear that there was no voluntary act on the part of Respondent No.14

creating the third party rights and the same has been created by virtue of a operation of alw under the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002.

4. As third party rights were created by way of a public auction which was conducted by the housing finance company, there is no contempt of the order dated 4th September, 2019. Contempt Petition is devoid of merits and stands dismissed.

[Sharmila U. Deshmukh, J.]