

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 5 OF 2022**

**IN
SUIT NO. 1085 OF 2006**

Regaldo Felix George	...	Petitioner/Orig. Defendant
vs.		
Ryan Benedict George and another	...	Respondents/Contemnors/ Orig. Plaintiff Nos.1(b) & 1(c)

**WITH
INTERIM APPLICATION (LODGING) NO. 28281 OF 2023
IN
CONTEMPT PETITION NO. 5 OF 2022**

Raida Germana Jorge da	...	Applicant/Intervenor
<u>In the matter between:</u>		
Regaldo Felix George	...	Petitioner/Orig. Defendant
vs.		
Ryan Benedict George and another	...	Respondents/Contemnors/ Orig. Plaintiff Nos.1(b) & 1(c)

Mr. B. S. Nayak for petitioner.

Ms. Surbhi Agrawal for respondents/contemnors.

Ms. Sulakshana Survase for applicant/intervenor in IAL/28281/2023.

Ryan Benedict George, respondent/contemnor No.1 [Orig. Plaintiff No.1(b)].

**CORAM : MANISH PITALE, J.
DATE : 29th JANUARY, 2024**

P.C. :

. This contempt petition has arisen out of an order dated 15.01.2020 passed by this Court, whereby Suit No.1085 of 2006 was disposed of, as per consent terms executed between the parties. The consent terms were signed by the legal heirs of the original plaintiff and the defendant.

2. As per the clauses of the consent terms, the parties had agreed for selling and disposing of flat No.13, Ground floor, Tulsli Co-operative Housing Society Limited, Khar-Pali Road, Khar (West), Mumbai-400052, in favour of a purchaser mutually agreed between the parties.

3. The petitioner in the contempt petition is the original defendant, who submits that despite execution of the aforesaid consent terms in the light of which the suit itself was disposed of by order dated 15.01.2020, the respondents/alleged contemnors/original plaintiff Nos.1(b) and 1(c) have not taken necessary steps for disposing of the said flat, so that the proceeds could be shared. It is brought to the notice of this Court that the original plaintiff No.1(a) has expired.

4. The alleged contemnors were put to notice and respondent No.1 [alleged contemnor No.1(b)] is present in Court today.

5. Interim Application (Lodging) No.28281 of 2023 is filed by the sister of the original plaintiff, claiming that she would also have a share in the consideration concerning the said flat, being the sister of the original plaintiff and hence, she seeks to intervene.

6. Today, when the petition is called out for hearing, the learned counsel for the petitioner submits that the petitioner would have no objection to the consideration being shared between the petitioner, alleged contemnors and the intervenor. It is submitted that the intended purchaser, when the suit was disposed of on 15.01.2020, has expired. But, his son, through his power of attorney holder i.e. the brother of the original intended purchaser, is ready to go ahead with the transaction for the agreed consideration.

7. Today, apart from respondent No.1 [alleged contemnor No.1(b)], the said power of attorney holder of the son of the original intended purchaser, is also present in Court.

8. The learned counsel for the alleged contemnors submits that they also do not have objection to the consideration being shared equally between the petitioner, alleged contemnors and the intervenor.

9. In view of the above, the intervention application filed on behalf of the sister of the original plaintiff in the suit, is allowed.

10. In the light of the statements made before this Court, it is recorded that all the parties have agreed to go ahead with the intended transaction, as per the consent terms, with the purchaser, who is now the son of the original intended purchaser, through his power of attorney holder. The parties have expressly agreed before this Court that the consideration amount would be shared equally as indicated hereinabove. Parties are directed to abide by the statements made before this Court today. Needless to say, the alleged contemnors shall co-operate with the petitioner for sale of the said flat to the purchaser, as indicated hereinabove. The parties shall take all necessary steps for completing the transaction expeditiously and in any case, within a period of two months from today, so that no further controversy is raised by either party.

11. In view of the above, nothing survives in the present contempt petition. Hence, the same is disposed of.

(MANISH PITALE, J.)