

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 95 OF 2024

Mr. Fredrick Fernandes and Ors (deleted)
Tazaldin Sadruddin Nanavati

... Appellant.

Versus

Mr.Ramkaran Shivram Yadav (deleted)
His LRs.1a.Smt.Parvati Ramkaran Wd/o.
Ramkaran S. Yadav and Ors.

... Respondents.

Mr. Vineet Naik, Senior Advocate, Mr. Nilesh Tated and Mr. Ishaan Zaveri i/by M/s. Mahimtura and Company for the Appellant.
Mr. V.Y. Sanglikar a/w. Mr.Dhananjay Singh a/w. Mr.Drupad Patil for the Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : February 10, 2025

P.C. :

1. The Appeal has been listed for hearing on **18th February, 2025**. Today, the matter was listed under the caption for direction as the contention of Mr.Naik was that despite an undertaking given to this Court on 19th July, 2017 in Contempt Petition No.382 of 2016, the Respondents have encroached upon the Appellant's property.
2. The said contention is disputed by Mr.Sanglikar and he would submit that there is no breach of the undertaking and that the Respondents have not committed and will not commit any breach

of the undertaking. As there is no application before this Court, the issue cannot be decided in this manner. It is open for the Appellant to take out appropriate proceedings seeking appropriate relief as far as the alleged contempt is concerned.

[Sharmila U. Deshmukh, J.]

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(Corrected pursuant to Speaking to the Minutes of the order dated 13th February, 2025.)