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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 168 OF 2024
WITH
APPEAL FROM ORDER NO. 39 OF 2024**

Bharat Lallu Bhai Jani and Ors ... Petitioners/Appellants
vs.

The State of Maharashtra and Ors ... Respondents
WITH

**INTERIM APPLICATION NO. 1082 OF 2024
IN
APPEAL FROM ORDER NO. 39 OF 2024**

Varad Vaastu Enterprises through its ... Applicant
Managing Partner
vs.

Bharat Lallu Bhai Jani and Ors ... Respondents
WITH

**INTERIM APPLICATION NO. 7471 OF 2024
IN
APPEAL FROM ORDER NO. 39 OF 2024**

Bharat Lallu Bhai Jani and Ors ... Applicants
vs.

The State of Maharashtra and Ors ... Respondents

Ms. Medha Jondhale a/w. Ms. Rajnandini Jondhale, Mr. Anand
Jondhale for Petitioners/Appellants.

Mr. N.N. Bhadrashete i/b. Ms. Priyanka Bhadrashete for

Respondent No.4.

Mr. Sanjiv Sawant a/w. Ms. Bhakti Wast i/b. Mr. Abhishek Deshmukh
for Respondent No.2.

Mr. D.J. Haldankar, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 8th JANUARY 2025

ORDER:

CONTEMPT PETITION NO. 168 OF 2024.

1. Heard learned counsel for the parties. Contempt Petition is filed by the defendants in the suit. The contempt petition alleges breach of order dated 20th December 2023, passed by this court in Writ Petition No. 15979 of 2023. The writ petition is converted into appeal from order. Hence, the contempt petition is listed before this court alongwith the appeal from order.

2. By order dated 20th December 2023, this court granted ad interim relief in terms of prayer clause (b) of the writ petition. Prayer clause (b) of the writ petition reads as under:

“Pending hearing and final disposal of the order dated 14/12/2023 passed by learned Additional Sessions Court No.1 Sessions Court No.1 of Greater Bombay, Mumbai in Notice of Motion No. 4002/2023 in Suit No. 2568/2023 377/SS/2015 of

Greater Bombay, Mumbai may kindly be stayed”.

3. Thus, by ad interim relief in terms of prayer clause (b), order dated 14th December 2023 passed by the City Civil Court in Suit No. 2568 of 2023 was stayed. The operative part of order dated 14th December 2023, reads as under:

ORDER

“Plaintiff’s prayer for ad-interim relief for temporary injunction in terms of prayer clause (a) is hereby allowed thereby defendants no. 2 to 25 are hereby restrained from in any manner interfering with and/or obstructing redevelopment work by the plaintiff of the defendant no.1 society upon suit land including demolition of the existing building and reconstruction of a building as per the building plan sanctioned under IOD dated 27.04.2022 without due process of law”

4. Thus, by ad interim stay in terms of prayer clause (b) granted by this court, stayed the injunction granted against the contempt petitioners.

5. Learned counsel for the petitioners submits that the effect of staying the injunction order would mean that there was stay to demolition. She submits that the demolition carried out by respondent no.2 amounts to a breach of order dated 20th December 2023 passed by this court.

6. A plain reading of the order passed by this court granting stay to the order of the City Civil Court only means that the injunction against the present petitioners(original defendants) was stayed. The stay to the injunction order cannot be interpreted to mean that there was any restraining order against any party from carrying out redevelopment work or demolition.

7. Thus, I do not find any substance in the contempt petition. There is no direction issued by this court or the City Civil Court which is breached. Hence, the contempt petition is dismissed.

APPEAL FROM ORDER NO. 39 OF 2024.

8. Heard learned counsel for the appellants. This appeal challenges the order of ad interim relief granted by the City Civil Court in the notice of motion filed by respondent no.2. The appellants are objecting to the injunction on the ground that they have purchased flats from respondent no.3, when ad interim relief was granted. The appellants had not filed affidavit-in-reply. Learned counsel for the appellants submits that the affidavit-in-reply is now filed and the motion is kept for hearing on 21st February 2025. Since, the notice of motion is now kept for hearing in the City Civil Court, I am not inclined to record any reasons on the merits of the impugned order, as the same would prejudice the rival contentions

of the parties on merits in the pending notice of motion.

9. There are disputed facts involved in the case; hence, in the absence of any findings recorded by the City Civil Court after examining the reply of the appellants, I do not find it appropriate to deal with the rival contentions on merits at this stage in the present appeal. Hence, the appeal is disposed of with liberty to the appellants to agitate their grievances in the pending notice of motion which is kept for hearing before the City Civil Court.

10. All the rival contentions of the parties on merits are kept open. The appeal from order is disposed of with the aforesaid observations. In view of disposal of the appeal from order, the pending interim applications are disposed of as infructuous.

(GAURI GODSE, J.)