

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO.160 OF 2024
IN
WRIT PETITION NO.3589 OF 2000**

Shree Poornanad Saraswati Co-
operative Housing Society

...Petitioner

V/s.

Sandeep Madhav Dhume

...Respondent

Mr. Chaitanya Bhandarkar *for the Petitioner.*

Mr. Rohit Gupta *with Mr. Jimish Shah and Mr. Abhishek Bhosle*
i/b. M/s. Divya Shah Associates for the Respondent / Contemnor.

CORAM : SANDEEP V. MARNE, J.

Dated : 10 January 2025.

P.C. :

1) The Contempt Petition is filed alleging breach of statement made before this Court while passing order dated 24 February 2023 that the walls of the flat would be restored to the original position. It is the grouse of the Petitioner-Society that though some sort of restoration work is carried out by Respondent, the same does not restore the walls or the flat to its original position. It is also sought to be contended that paragraph 12 of the order passed by this Court contemplates

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certification of the work carried out by Respondent through Structural Engineer appointed by M/s. Shetgiri and Associates.

2) There is no dispute to the position that Respondent has carried out work, which according to the Respondent restores the flat and the walls to the original position. According to the Petitioner, restoration work carried by the Respondent is not in accordance with the original municipal plans and that such work does not restore the flat to its original position.

3) In a limited contempt jurisdiction, this Court is not expected to carry out an in-depth enquiry as to whether restoration work carried out by Respondent is to the satisfaction of the Petitioner-Society or there is any deviation while effecting the restoration work as compared to the original status of the flat.

4) Also of relevance is the fact that ultimately Petition filed by the Petitioner has been dismissed by this Court confirming membership of the Respondent in respect of the Petitioner - Society. Order passed by this Court dismissing the Petition is subject matter of challenge before the Supreme Court.

5) Considering the above position, I am not inclined to exercise contempt jurisdiction for verifying whether restoration work carried out by Respondent is in full conformity with the statement made before this Court on 24 February 2023 and

whether such work amounts to actual restoration of the flat to its original position. As of now, Respondent's membership in respect of Petitioner -Society is recognised. Therefore, in a Petition filed by the Petitioner challenging membership of the Respondent to the society, this Court was otherwise not expected to go into the details of the renovation work carried out by Respondent. According to the Respondent, statement made before this Court on 24 February 2023 has been complied with by restoration of walls of the flat. If the Petitioner – Society believes that any work carried out by the Respondent is not in conformity with the sanctioned municipal plan, it would be for the Petitioner – Society to adopt appropriate proceedings by exercising remedy available in law.

6) I am therefore, not inclined to keep the Contempt Petition pending for the purpose of verification of the restoration work carried out by the Respondent. Reserving the remedies in favour of the Petitioner in respect of its alleged grievance about the restoration work done by the Respondent, the Contempt Petition is closed and disposed of.

7) All contentions of parties on merits are expressly kept open.

[SANDEEP V. MARE, J.]