

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.417 OF 2025

Nityanand Co-Operative Society

.. Petitioner

Versus

M/S Romell Real Estate Pvt. Ltd. and Ors.

.. Respondents

-
- Mr. J. S. Kini a/w. Mr. Aum Kini and Ms. Sapna Krishnappa,
Advocates for Petitioner.
-

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 30, 2025

P.C.:

- 1.** Heard Mr. Kini, learned Advocate for Petitioner.
- 2.** This Contempt Petition emanates from ad-interim order dated 13.09.2022 passed in two cross Petitions filed by Society, as also the Developer.
- 3.** Mr. Kini would inform the Court that by virtue of ad-interim order there was a restraint order passed against Developer.
- 4.** However, in his usual fairness he would inform that Appeal of Developer came to allowed whereas Appeal of Society came to be rejected by directing Developer to reserve / demarcate certain area which would emanate to the benefit of Society pending the hearing of Notice of Motion.
- 5.** Considering the above facts as narrated by Mr. Kini, the present Contempt Petition would then however not survive in my

opinion since substantive right of the Society has been protected by directing Developer to reserve / demarcate certain area. Now since the Notice of Motion has also been dismissed, the Society will have to fructify its substantive right for maintainability of the present Contempt Petition. Appropriate instructions be taken from the Society and the Court be accordingly apprised on the next adjourned date.

6. In view of the above, issue notice to Respondents.

7. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve Respondents copy of this order and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Contempt Petition on or before the next date.

8. Court be apprised of the further progress of the lis between the Society and Developer so that appropriate orders for disposal can be passed in the present Contempt Petition. Copy of this order shall be served on Respondents by learned Advocate for Petitioner.

9. Stand over to **14th July, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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