



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.417 OF 2025**

Nityanand Co-operative Housing Society
Ltd.

...Petitioners

V/s.

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

...Respondents

Mr. J.S. Kini with *Mr. Aum Kini i/b. Ms. Sapna Krishnappa for the
Petitioners.*

Mr. Sumit Kothari for *Respondent Nos.1 and 2.*

CORAM: SANDEEP V. MARNE, J.

DATED: 03 NOVEMBER 2025.

P.C.:

1) The Contempt Petition alleges breach of order of ad-interim injunction passed by the City Civil Court on 13 September 2022 by which the Respondents-Defendants were restrained from creating any third party rights in the suit property.

2) However, it appears that the ad-interim order dated 13 September 2022 survived for a very short duration. It got vacated by order dated 26 April 2023 passed in Appeal from Order filed before this Court. The main Notice of Motion No.3545 of 2022 was therefore rejected on 31 August 2023. The Petitioner-Society unsuccessfully challenged the order of rejection of Notice of Motion by filing Appeal from Order No.78 of

2024, which has also been disposed of by order dated 30 January 2024 requesting the Trial Court to expedite the hearing of the Suit.

3) Mr. Kini, the learned counsel appearing for the Petitioner-Society would submit that mere subsequent vacation of ad-interim injunction and dismissal of the Notice of Motion cannot be a ground for violating the same when the same was operational. He would invite my attention to three Index II extracts filed alongwith the Contempt Petition at Exhibits- F, G and H to demonstrate that Respondent -Developer has registered several agreements during currency of the ad-interim injunction.

4) Mr. Kothari, the learned counsel appearing for the Respondent Nos.1 and 2 would submit that the bookings and allotments were made and considerations were accepted in respect of the said transactions well before passing of ad-interim injunction order dated 13 September 2022. He would submit that third party rights were already created in respect of the said flats in question well before 13 September 2022.

5) It appears that Respondent Nos.1 and 2 had filed Appeal from Order challenging the order of ad-interim injunction dated 13 September 2022 and this Court has allowed the said Appeal from Order and vacated the ad-interim injunction on 26 April 2023. Subsequently, the main Notice of Motion No.3545 of 2022 has also been dismissed by the City Civil Court by order dated 31 August 2023.

6) Considering the peculiar circumstances of the case where order of ad-interim injunction was subsequently vacated, I am not

inclined to entertain the present Contempt Petition merely because the Petitioner-Society has been able to demonstrate execution or registration of few agreements during the window period of 13 September 2022 to 26 April 2023. It is also a matter of fact that real transactions reflected in the said three Index-II extracts are actually executed much prior to 13 September 2022.

7) Considering the above circumstances, no case is made out for deliberate or willful breach of ad-interim injunction and for taking any contempt action against the Respondents. Contempt Petition is accordingly **disposed of**.

8) However, all rights and contentions of the parties are expressly kept open.

[SANDEEP V. MARNE, J.]