

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 628 OF 2022**

WITH

COURT RECEIVER'S REPORT NO. 19 OF 2024

WITH

COURT RECEIVER'S REPORT NO. 14 OF 2023

IN

CONTEMPT PETITION NO. 628 OF 2022

Shaikh Amjad Ali and Anr ... Petitioner

vs.

M.R. Builder and Developer and Ors ... Respondents

WITH

INTERIM APPLICATION NO. 9882 OF 2024

IN

CONTEMPT PETITION NO. 628 OF 2022

Mohammed Ali Qureshi ... Applicant

vs.

Shaikh Amjad Ali and Anr ... Respondents

Mr. Akash S. Bhogil i/b. Mr. Nitesh Acharya for Petitioner.

Mr. R.A. Shaikh a/w. Mr. Hasan Sayed for Respondent.

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

Ms. Charushila Vaidya, 2nd Assistant to Court Receiver. a/w. Ms. V.N
Worlikar, Section Office present.

CORAM : GAURI GODSE, J.

DATED : 22nd JANUARY 2025

ORDER:

1. In spite of giving opportunities to the contemnor, undertakings given to this court are not complied. By order dated 20th January 2025, by way of last chance, appellant was granted time to comply with the undertakings given to this court and the contempt petition was directed to be listed on 21st January 2025. On 21st January 2025, the following order was passed:

“1. Learned counsel for the contemnor submits that the contemnor has arranged the funds for payment of Rs. 14,00,000/-. However, due to some procedural difficulty, he was unable to get the banker’s cheque or Demand Draft. He requests for time till tomorrow i.e. on 22nd January 2025 for getting the Demand Draft or the Banker’s cheque.

2. By way of last chance, list the contempt petition tomorrow i.e. on 22nd January 2025.”

2. The contemnor was not present on 21st January 2025. However, in view of the request made by the learned counsel for the contemnor, one last opportunity was given till today.

3. Today, the learned counsel for the contemnor submits that the contemnor is not traceable and he was unable to contact him. The contemnor is not present today in court.

4. Even on the earlier occasion when the contemnor was absent

nonailable warrant was issued. However, since the contemnor had remained present, nonailable warrant was cancelled.

5. On 18th December 2024, learned APP had made a statement that in the event, any warrant is issued to secure presence of the contemnor, the warrant to be executed through Wakola Police Station.

6. Since, the contemnor has committed breach of fresh undertakings given to this court as recorded in orders dated 18th December 2024, 3rd January 2025 and 20th January 2025, I am satisfied that the contemnor has committed aggravated contempt. Hence, office is directed to issue nonailable warrant against the contemnor, to be executed through Wakola Police Station. Warrant is made returnable on 29th January 2025.

7. In view of the earlier orders passed, learned Court Receiver shall deposit the cheque for an amount of Rs. 2,00,000/- submitted on behalf of the contemnor towards the charges for further proceedings for valuation of the property which is already attached and is in custody of the Court Receiver, pursuant to order dated 18th July 2024.

8. The contempt petition to be listed on 29th January 2025 at 2:30 p.m.

(GAURI GODSE, J.)