

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 628 OF 2022
WITH
COURT RECEIVER'S REPORT NO. 14 OF 2023
WITH
COURT RECEIVER'S REPORT NO. 19 OF 2024
IN
CONTEMPT PETITION NO. 628 OF 2022**

Shaikh Amjad Ali and Anr. ... Petitioners

vs.

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

**WITH
INTERIM APPLICATION NO. 9882 OF 2023
IN
CONTEMPT PETITION NO. 628 OF 2022**

Mohammed Ali Qureshi ... Applicant

vs.

Shaikh Amjad Ali and Anr. ... Respondents

Ms. Bushra Sayed i/b Nitesh Acharya for the Petitioners.

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

Mr. Mayur Sonawane, AGP for Respondent- State.

Ms. Charushila Vaidya, 2nd Asst. to Court Receiver, Present.

API Pol and PSI Mali, Vakola Police Station, Mumbai, Present.

CORAM : GAURI GODSE, J.

DATED : 28th FEBRUARY 2025

ORDER :-

1. Pursuant to the order dated 14th February 2025, learned AGP has tendered an affidavit of the concerned police officer. According

to the learned AGP affidavit explains the circumstances under which the non-bailable warrant could not be executed.

2. I have perused the affidavit. Though, the affidavit does not satisfactorily explain the non-execution of the non-bailable warrants within time, I am not inclined to issue any further directions as the contemnor is present today before this Court.

3. Learned AGP assures this Court that in future whenever an order issuing bailable or non-bailable warrant is forwarded upon the concerned police station, immediate action will be taken for securing the presence, as per the order. The affidavit is taken on record.

4. Learned counsel for the contemnor submits that the balance amount of Rs.9,00,000/- is paid to the petitioner today in the Court by way of demand draft.

5. Learned counsel for the petitioner has accepted the amount without prejudice to the rights and contentions of the petitioner.

6. The 2nd Assistant to Court Receiver, who is present in the Court submits that the valuation report is submitted in the office of the learned Court Receiver.

7. Since the entire amount as per the consent terms is now paid, the learned Court Receiver shall keep the further proceedings, as

per the earlier order, in abeyance, till further order is passed by this Court in this contempt petition.

8. List the contempt petition for final disposal on 16th April 2025.
9. To be listed high on board under the caption ' for final disposal at admission stage'.
10. Since the contemnor is present, learned counsel for the appellant submits that non-bailable warrant issued pursuant to earlier orders passed by this Court be cancelled.
11. Learned counsel for the contemnor, on instructions, makes a statement that on every date the contemnor shall remain present. Statement made on behalf of the contemnor is accepted.
12. In view of the aforesaid, non-bailable warrant issued by the earlier orders stands cancelled.

(GAURI GODSE, J.)