

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 388 OF 2025
IN
APPEAL FROM ORDER ST NO. 13629 OF 2025

Neminath Cooperative Housing
Society Ltd.

....Petitioner

Vs.

Shree 1008 Digambar Jain
Mandir Trust and anr

.....Respondents

Mr. Umesh Shetty, Senior Advocate a/w Mr. Gopalkrishna Nayak
i/b Flavia Legal for the petitioner

Mr. Drupad Patil a/w Mr. Om Suryawanshi i/b Ms. Komal Punjabi
for respondent BMC

Mr. Kausar Khan Pathan (A.E.) K/E Ward

Mr. Mahesh Randhe J.E. (B&F) K/E Ward

CORAM : GAURI GODSE, J.

DATE : 9th JULY 2025

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ORDER:

1. This Contempt Petition is filed by the defendant-society who is party to the L.C. Suit No. 181 of 2025. The grievance of the society is that the plaintiff/appellant in the Appeal has committed breach of the order of status-quo passed on 16th April 2025, in the appeal.

2. The appeal is dismissed by order dated 8th July 2025. The appeal was arising out of dismissal of interim application in appellant's suit challenging notice of demolition. The structure in question is demolished except for some part. The society's building is in the same compound in which the demolished structure was situated.

3. Learned senior counsel for the petitioner submits that the main grievance of the society which survives today, is the hardships and difficulties faced by the society in view of the debris which is lying in the compound of the society pursuant to the demolition.

4. Learned counsel for the Corporation on instructions submits that Corporation would remove the debris and shall recover the charges from the plaintiff.

5. Learned counsel for the plaintiff submits that the plaintiff would not be liable to make payment of any charges.

6. By keeping the rival contentions of both parties open, statement made on behalf of the Corporation is accepted that the debris will be removed. Corporation is therefore, at liberty to

recover the cost for removal of the debris. The assurance regarding removal of debris is accepted as assurance to this Court.

7. In view of the aforesaid statement, learned counsel for the Petitioner submits that nothing further would survive in the grievance made in the Contempt Petition at this stage.

8. The Contempt Petition is therefore, disposed of.

[GAURI GODSE, J.]