

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

CONTEMPT PETITION NO. 11 OF 2024

IN

COMMERCIAL SUIT NO. 899 OF 2018

Ashok Kumar Damani

...Petitioner

Versus

Yashashree Construction Co.

...Respondent

Mr. Faran Khan a/w Mr. Rubin Vakil, Mr. Manish Doshi, Ms. Heena T., and
Anjali Ajmera for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 11th NOVEMBER 2025

P.C.

1. The matter is placed on board today pursuant to the order dated 17th October 2025, by which this Court, after noting the past conduct of the Respondents and the fact that the Respondents were in breach of various orders passed by this Court, as also an undertaking given to this Court to make payment of a sum of Rs.6,25,00,000/- to the Petitioner, this Court had passed the following operative order:

"5. In view of the above, I pass the following order:

(1) The sale transactions in respect of Flat Nos. 401, 601, 701, 1101, 1201 and 1301 (as per table in paragraph 2(c) of the Consent Terms dated 11-08-2025)

shall stand declared void and cancelled, without reference to this Hon'ble Court or any further orders being required.

(ii) In such eventuality, the Prothonotary and Senior Master of this Hon'ble Court is directed to forward the copy of the present Order to the concerned Sub-Registrar of Assurances to note the cancellation of the said sale transactions in respect of Flat Nos. 401, 601, 701, 1101, 1201 and 1301 in the relevant records without the requirement for any deed of cancellation.

(iii) In addition to above, the Court Receiver, High Court, Bombay shall stand appointed as the Receiver in respect of the said Flat Nos. 401, 601, 701, 1101, 1201 and 1301 with all the powers under Order XI Rule 1 of the Civil Procedure Code, 1908 and with a direction to take physical possession and with a further direction to sell the said flats by way of public auction/private treaty.

(iv) the sale proceeds from the sale of the said flats shall first be appropriated towards the costs of the Receiver, thereafter towards the outstanding dues payable by Respondent Nos.4, 7 and 8 under the Consent Terms and thereafter balance if any, shall be paid over to Respondent Nos.4, 7 and 8, shall stand enforced forthwith.

6. The learned Advocate for the Petitioner also submits that despite specific orders of this Court, the Respondents No.4,6,7 and 8 have neither responded to the show-cause notice nor remained present in Court today, and there is no order permitting their absence.

7. This issue can be taken up at the next date of hearing."

2. It is crucial to note that on the previous date, the Respondent Nos.4, 6, 7 and 8 were represented by counsel. Furthermore, the abovementioned order has in paragraph No.6, specifically noted that there is no order permitting the absence of the Respondents from being present in the Court. Despite this, today, none has appeared on behalf of Respondent Nos.4, 6, 7 & 8, nor are any of them present in Court personally.

3. In light of this, and given the fact that it is *prima facie* shown that the Respondents are in contempt of orders of this Court, as in fact noted by this Bench also in the order dated 3rd March 2025, whereby this Court had inter alia held as follows and issue noticed to the Respondents:

"4. In view of the above and given the fact that the averments in the Petition as on today are uncontroverted as also I am prima facie satisfied that there appears to be breach on the part of Respondent No.4 (the Developer) of the orders passed by this Court, issue show cause notice to Respondent Nos.4 and 6 to 8 as per Rules to Regulate Proceedings for Contempt under Article 215 of the Constitution of India and The Contempt of Courts Act, 1971 as to why action should not be taken against them returnable on 24th March, 2025."

4. None is today present. Hence, Mr. Khan, learned counsel for the Petitioner is entirely justify in submitting thatailable warrants be issued against Respondent Nos.6, 7 & 8.

5. Hence, issueailable warrants against Respondent Nos.6, 7 & 8, returnable on **2nd December 2025** list under the caption 'for direction'.

(ARIF S. DOCTOR, J.)