

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14078 OF 2025

Jhaveri Bros. & Co. Pvt. Ltd.

Ms. Seyjhal D. Jhaveri

...Petitioner

Versus

Metro Entertainment (Bombay) Pvt. Ltd. & Ors.

...Respondents

Mr. Jagdev Singh a/w. Mr. Shrikrishna Suryawanshi, for the
Petitioner.

Mr. Sukand Kulkarni a/w. Mr. Vinay Khandelwal, Ms. Meetal Savla
i/b. Mr. Sukaan Kulkarni, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED : 28th JANUARY 2026

PC:-

1. Heard Mr. Singh, learned Counsel appearing for the
Petitioner and Mr. Kulkarni, learned Counsel appearing for the
Respondents.

2. By the present Writ Petition filed under Article 227 of the
Constitution of India, the challenge is to the legality and validity of
the order dated 3rd August 2022 passed by the learned Appellate
Bench of the Small Causes Court, Mumbai in Contempt Petition
No.5 of 2017 in Misc. Appeal No.226 of 2016 in Order Below

Exhibit-73 in R.A.E. & R. Suit No.1157/1732 of 2006. By the impugned order, the said Contempt Petition has been dismissed. The said Contempt Petition has been filed alleging disobedience of the order dated 25th July 2016 passed by the learned Appellate Bench of the Small Causes Court, Mumbai in Misc. Appeal No.226 of 2016 in Order Below Exhibit-73 in R.A.E. & R. Suit No.1157/1732 of 2006 and more particularly clause No.2 of the same. The Operative Part of the said order date 25th July 2016, reads as under:

“: ORDER :

[1] The appeal is partly allowed.

[2] The plaintiff is directed to carry out necessary repair work for supply of water to the Shop premises of the defendant.

[3] The defendant is directed to pay proportional cost of that repair work as per the quotation of Rs.3,00,081.73 paise.

[4] The plaintiff is directed to inform the defendant about proportional cost within 15 days from today.

[5] The defendant is directed to pay proportional cost to the plaintiff from 10 days from that date.

[6] The plaintiff to execute the work within reasonable time from thereto.

[7] The defendant is permitted to carry out servicing and repair work of three Air Conditioning

units by taking them down and then re-install it again.

[8] The plaintiff is restrained from doing any act so as to obstruct the defendant in that work.

[9] The defendant is directed to execute that work without causing any damage to that part of the building.

[10] Order dated 27.03.2015 passed below Exhibit 73 in R.A.E. Suit No. 1157/1732 of 2006 is hereby set aside to the extent as mentioned above.”

(Emphasis added)

3. As far as the Writ Petition is concerned the relevant clause is clause No.[2] of the said order dated 25th July 2016 by which it has been directed that the Respondent shall carry out necessary repair work for supply of water to the shop premises of the Petitioner.

4. Mr. Kulkarni, learned Counsel appearing for the Respondents tendered affidavit dated 23rd January 2026. Paragraph Nos.2 to 7 of the said affidavit are relevant and the same read as under:

“2. It is respectfully submitted that the Respondents have complied with the order passed by the Ld. Small Causes Court, Mumbai dated 25th July, 2016 passed in Misc. Appeal No. 226 of 2016 and in particular Clause [2] of the operative part.

3. After passing of the order by this Hon'ble Court on 21st January, 2026, the answering Respondent immediately appointed a licensed surveyor and plumber consultant recognized by the Municipal Corporation of Greater Bombay Mr. Sandeep Joshi to ensure strict compliance of the order dated 25th July, 2016 and the order of this Hon'ble Court dated 21st January, 2026.

4. Mr. Joshi, on 22nd January, 2026, visited the premises in question [Shop Nos. 4 and 5, Metro House, M. G. Road, Mumbai - 400 020]. During the inspection, Mr. Joshi checked the valve that was installed at the terrace of the building from where the supply of water was being controlled. It was opined by Mr. Joshi that removal of the said valve would ensure free flow of the water i.e. uninterrupted supply of water to the Petitioner.

5. Accordingly, Mr. Joshi has carried out the necessary repairs and removed the valve. I say and submit that the pipeline is now connected to the main water storage tank without any valve ensuring uninterrupted water supply to the Petitioner. A certificate to that effect issued by Mr. Joshi is annexed hereto and marked as Annexure "B". Copies of two photograph of the valve taken prior to carrying out the repairs and after carrying out the repairs are collectively annexed hereto and marked as Annexure "C".

6. It is thus most respectfully submitted that the Respondents have complied with the order dated 25th July, 2016 passed by the Ld. Small Causes Court, Mumbai as also the order dated 21st January, 2026 passed by this Hon'ble Court in its true letter and spirit.

7. I say and submit that the answering Respondents have utmost respect to the orders passed by the Hon'ble Court and these Respondents are duty bound to comply with the same. For any unintentional disobedience of the orders of the Hon'ble Court, the answering respondents tender unconditional apology, which may kindly be accepted."

(Emphasis added)

5. Thus, it is the contention of Mr. Kulkarni, learned Counsel appearing for the Respondents that the order dated 25th July 2016 has been complied with.

6. Learned Counsel appearing for the Petitioner confirms the said position.

7. Mr. Kulkarni, learned Counsel appearing for the Respondents, on instructions of the Respondents, submits that the said water supply will never be disturbed and there will be continuous water supply to the concerned shop premises. The said statement made by Mr. Kulkarni, learned Counsel appearing for the Respondents, on instructions of the Respondents, is accepted as undertaking given to the Court.

8. As the order has been complied with, the apology tendered by the Respondents as contained in paragraph No.7 of the said Affidavit is accepted.

9. Accordingly, the impugned order dated 3rd August 2022 passed by the learned Appellate Bench of the Small Causes Court, Mumbai in Contempt Petition No.5 of 2017 in Misc. Appeal No.226 of 2016 in Order Below Exhibit-73 in R.A.E. & R. Suit No.1157/1732 of 2006 is quashed and set aside. The said Contempt Petition No.5 of 2017 is disposed of in above terms.

10. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]