

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO.
1089 of 2026****In R/SPECIAL CIVIL APPLICATION/12617/2023**

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GUJARAT COLONY CO OP HO SOC LTD & ANR.

Versus

TRIBHOVANDAS BHIKHABHAI DARJI & ORS.

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Appearance:

MR. NISHIT P GANDHI(6946) for the Applicant(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE BHARGAV D.
KARIA**

and

HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 04/05/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)**

1. Heard learned advocate Mr.Nishit P. Gandhi appearing for the applicants.
2. Learned advocate Mr.Nishit P. Gandhi appearing for the applicants submitted that the respondents were parties in the Special Civil Application No.12617 of 2023 preferred by the applicant no.1 – Gujarat Colony Cooperative Housing Society Limited. It was submitted that by order dated 10.09.2025 passed in Special Civil

Application No.12617 of 2023 the learned Single Judge disposed of the petition and passed the following order by modifying the order dated 28.08.2025 allowing the speaking to minutes which reads as under:

“14. Therefore, following directions are issued that would safeguard the interest of all members including respondent No.18, which are as under:

14.1 Since, few of the member of the society have agreed to the redevelopment during the pendency of this petition, they are also directed to hand over vacant and peaceful possession of their respective flats to the petitioner society within the period of eight weeks from the date of receipt of this order.

14.2 Respondent Nos.19, 20 & 28 is directed to hand over vacant possession of flat No.11/A/39 & 12/B/52 to the petitioner society, within a period of eight weeks from the date of receipt of this order.

14.3 Since Respondent Nos.19, 20 & 28 was in possession of flat No. 11/A/39 & 12/B/52, the transportation cost shall be given to respondent Nos.19, 20 & 28, upon he/she giving peaceful vacant possession of the said flat.

14.4 The petitioner Society, respondent Nos.19, 20 & 28 and respondent No.5- M/s.Dynamic Infracon are directed to abide with the orders passed by the Civil Court, Ahmedabad in Regular Civil Suit No. 176/2022 & Regular Civil Suit No. 105/2022.

14.5 The petitioner Society and respondent No. 5 -M/s. Dynamic Infracon is directed to hand over the possession of new flat in lieu of existing flat No.11/A/39 & 12/B/52 to such person or the persons as may be directed by the Civil Court, Ahmedabad in Regular Civil Suit No. 176/2022 & Regular Civil Suit No. 105/2022.

14.6 Respondent No. 5 - M/s. Dynamic Infracon is directed to deposit monthly rent amount for flat No.11/A/39 & 12/B/52 and other amount to be paid to the members as per MOU before the Nazir of Civil Court, Ahmedabad where the Regular Civil Suit No. 176/2022 & Regular Civil Suit No. 105/2022 is pending and the same shall be disbursed as may be directed by the Trial Court.

14.7 With regard to the pursis filed by the petitioner society undertaking to grant the possession of the new flat in the redeveloped society to the member in possession of the flat at the time of vacation of flats, in view of the submission made on behalf of petitioner shall stand withdrawn and not to be

considered by learned Trial Court.”

3. It was submitted that the respondents have not complied with the aforesaid directions and have also given vague replies to the notice issued by the applicant.
4. Learned advocate Mr.Nishit P. Gandhi submitted that the respondents though have stated in the interim reply that they are willing to comply with the directions issued by this Court but in fact they have not vacated the flats resulting into willful disobedience and breach of the directions issued by this Court in the aforesaid Special Civil Application.
5. Considering the above submissions, issue notice, returnable on 12.06.2026. Direct service is permitted.

(BHARGAV D. KARIA, J)

(L. S. PIRZADA, J)

DIKSHA