



Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.191 OF 2024

Veronica Johnson Pareira ... Petitioner
V/s.
Ashwini General Hospital &
Intensive Care Centre ... Respondent

Mr. Ramesh Ramamurthy, for the Petitioner.

Mr. Rishi Ashok a/w Mr. Shaurya Bhadu, for the Respondents.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2026

P.C.:

1. In so far as the order dated 30 April 2026 is concerned, in paragraph No.1 of the said order, the sentence namely “as the contemnor is present in person along with his Advocate” appears to have been incorporated by mistake. Accordingly, the said sentence deserves to be deleted from paragraph No.1 of the order dated 30 April 2026. Likewise, in paragraph No.2 of the said order, the rate of interest has been inadvertently mentioned as “8%”, though the direction intended to be issued by this Court was with regard to interest at the rate of “6%”. Therefore the rate of interest mentioned as “8%” stands corrected to “6%”.
2. This Court had, by earlier order, granted what was specifically described as the final opportunity to the contemnor for depositing the entire amount as directed by this Court. Such



indulgence was shown with an expectation that at least after opportunity, some bona fide intention would be demonstrated for complying with the orders of this Court. However, the record placed before the Court demonstrates that despite sufficient time being granted and despite categorical warning issued by this Court, the contemnor has failed to comply with the said direction in its true letter and spirit. The conduct of the contemnor shows continuous non compliance and absence of seriousness towards the authority of this Court. Once a litigant is granted opportunity and yet chooses not to honour the directions issued by the Court, such conduct cannot be brushed aside as mere inability. Judicial orders are required to be obeyed with sincerity and promptness. The failure of the contemnor, particularly after grant of final opportunity, therefore assumes reflects disregard to the authority of the Court. The Court cannot remain silent spectator to such disobedience, especially when the directions were capable of compliance.

3. The learned Advocate appearing on behalf of the contemnor has attempted to explain the non compliance by submitting that the contemnor has no source of income except the amount received towards rent from the hospital premises which has been given on leave and licence basis. This submission has been considered by the Court. However, the explanation offered does not inspire confidence nor does it explain complete failure to comply with the orders passed by this Court. The material on record indicates that the contemnor was in management and control of the hospital establishment before the same was handed



over to one Dinesh Patil on leave and licence basis. The nature of such property and arrangement itself indicates existence of financial capacity which cannot be ignored altogether. Furthermore, the contemnor is residing in the United States of America. Though mere residence abroad by itself may not be decisive, it nevertheless becomes relevant circumstance while examining the plea of total financial incapacity. The Court is required to examine not only the bare statement made across the Bar, but the overall surrounding circumstances and conduct of the contemnor. No material has been placed before the Court to demonstrate that the contemnor is incapable of depositing the amount directed by this Court. On the contrary, the circumstances indicate that the contemnor had sufficient means and opportunity to comply with the directions, but has consciously avoided doing so. Therefore, this Court is unable to accept the contention that the amount directed to be deposited was beyond the financial capacity of the contemnor.

4. Having regard to the entire material placed on record, this Court is satisfied that the conduct of the contemnor amounts to wilful and deliberate disobedience of the orders passed by this Court. The order dated 23 April 2026 has already elaborately recorded the conduct of the contemnor. The findings recorded therein disclose a consistent pattern of avoidance, non compliance and disregard towards judicial directions. Contempt jurisdiction is exercised not for vindication of personal authority of a Judge, but for maintaining majesty of the judicial system itself. If orders passed by constitutional Courts are allowed to be ignored with



impunity, public confidence in administration of justice would seriously erode. In the present matter, despite indulgence, the contemnor has failed to demonstrate any intention to obey the orders of this Court. The Court is therefore left with no alternative except to adopt strict measures for securing compliance and preserving authority of law. In the aforesaid circumstances, this Court is satisfied that stringent action has become necessary against the contemnor. Hence, the Immigration Authorities are directed to take appropriate steps for securing and arresting the contemnor upon his arrival in India. The Passport Authorities as well as Visa Authorities shall also act in accordance with and in compliance of the directions contained in the order dated 23 April 2026.

5. List the petition on **11 June 2026 'High On Board'**.

(AMIT BORKAR, J.)