

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 404 OF 2024

Revills Co-operative Housing Society Limited .. Petitioner
Versus
Raju Ramesh Grover .. Respondent

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- Mr. Zal Andhyarujina, Senior Advocate a/w. Mr. Aurup Dasgupta, Ms. Sheetal Shah and Mr. Shayan Bisney, Advocates i/by M/s. Mehta & Girdharlal for Petitioner.
 - Ms. Priyanka Pardeshi, Advocate i/by Rita Bhatia for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 09, 2024.

P.C.:

1. Heard Mr. Andhyarujina, learned Senior Advocate for Petitioner and Ms. Pardeshi, learned Advocate for Respondent.

2. Mr. Andhyarujina, learned Senior Advocate appearing on behalf of the Petitioner – Society draws my attention to the order dated 09.09.2024 passed by this Court and has also persuaded me to read the order passed by the learned Trial Court dated 05.09.2019 which is at page No.107 passed below Exhibit “5”. On perusal of the said orders and the case made out by the Petitioner, *prima facie*, it is clearly seen that Respondent is obstructing the right of way as also not abiding by the Exhibit “5” order.

3. Record indicates that Advocate has filed vakalatnama for Respondent on 16.07.2024. We are in October 2024 today. Notice has been issued to Respondent on 09.09.2024. I expect Respondent to file appropriate Affidavit-in-Reply as expeditiously as possible since the act of the Respondent is detrimental to the functioning of the Co-operative Housing Society and the members. Undoubtedly, if Respondent has any grievance with respect to her case, it will be considered in the realm of the present Contempt Petition but the order of injunction passed by the Court needs to be obeyed. It is seen that the order passed on 05.09.2019. Needless to state that pursuant thereto may be due to Covid-19 pandemic there has been delay, but nevertheless the dispute is pending before the Co-operative Court and in the interregnum Exhibit "5" order is required to be adhered to unless it is challenged. The wrong is a continuing cause of action as stated in the Petition. In a Co-operative Housing Society, Members are expected to reside harmoniously. In this case, the issue is with respect to parking of the car. This issue can be resolved if both parties can attempt a resolution without prejudice to their rights and contentions so that the parent dispute itself can come to an end.

4. Mr. Andhyarujina would also inform the Court that the order dated 05.09.2019 was challenged by the Respondent unsuccessfully. There is no further challenge thereafter.

5. Be that as it may, Respondent is directed to consider this order and the Contempt Petition. Necessary Affidavit be filed within a period of two weeks from today to the Petition.

6. It is clarified that, if Respondent does not file her Affidavit, this Court shall be constrained to consider the case of the Petitioner and issue statutory process in accordance with law.

7. Stand over to **23rd October 2024.**

[MILIND N. JADHAV, J.]

Ajay

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by AJAY
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Date: 2024.10.10
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