

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.430 OF 2017

Anusaya Laxman Phadake ...Petitioner

Versus

M/s. Krishna Enterprises

Through its Partners

Shailesh Ratibhai Patel and Ors.

...Respondents

Ms. D.M. Kapadia, i/b Mr. Jitendra Bakliwal, for the Petitioner.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th FEBRUARY, 2020

P.C. :

1. Heard learned counsel for the Petitioner.
2. Learned Counsel for the Petitioner submitted that the respondent no.1 is in breach of the order dated 4th August, 2016, passed by the learned Jt. Civil Judge, Senior Division, Panvel, below Exhibit – 5, in Special Civil Suit No.437 of 2015, inasmuch as, despite the order passed by the trial Court, restraining the defendant no.18 i.e. the respondent no.1 – M/s. Krishna Enterprises, from creating any third party interest in the suit property, without leave of the Court, till final disposal of the suit, the said respondent no.1 has created third party interest in the suit property by

selling 2 flats. She submits that the said 2 flats were sold to respondent nos.10 and 11. She submits that respondent no.1 had not sought leave of the Court, whilst creating third party interest in the said 2 flats.

3. Hence, issue notice to the respondent no.1, to show-cause why contempt action should not be initiated against him. Notice is made returnable on 1st April, 2020.

REVATI MOHITE DERE, J.