

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.8 OF 2025

IN

SUIT NO.803 OF 2014

Usha Uday Nayak and Ors.

.. Petitioners

Versus

Rajiv Damodar Nayak and Ors.

.. Respondents

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- Mr. Aniesh Jadhav a/w. Mr. Dipesh A. Jain, Advocates for Petitioners.
 - Mr. Rajesh Kachare, Advocate i/by Kashi Ail for Respondents.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 16, 2026

P.C.:

1. Heard Mr. Jadhav, learned Advocate for Petitioners and Mr. Kachare, learned Advocate for Respondents.

2. Petition is filed for contempt due to wilful disobedience of the order dated 04.09.2018 passed in Notice of Motion No.1331 of 2018 which was filed by Defendant No.4 therein.

3. Mr. Kachare, learned Advocate represents and espouses the cause of Defendant No.4 as Respondent / Contemnor in the proceeding before me.

4. By virtue of said order, parties had worked out an arrangement which was directed by the Court in paragraph No.3 of the said order. However keeping in line with those directions and

compliance thereof, if the said directions were complied with, the Court in paragraph No.5 had categorically accepted the Defendant No.4's undertaking to vacate premises namely Flat No.B-901, Tirupati Apartments, Bhulabhai Desai Road, Mumbai – 400 026.

5. To counter the submission of Mr. Jadhav, Mr. Kachare draws my attention to the Consent Terms appended at page No.134 which are dated 29.01.2016 i.e. much prior in point of time. He would submit that even though there may be the undertaking recorded by Defendant No.4 as stated in paragraph No.5 of the order under consideration, he would submit that the same cannot be read verbatim as it appears. According to him Defendant No.4 even if he may have accepted and given an undertaking to vacate the premises at Flat No.B-901, Tirupati Apartments, Bhulabhai Desai Road, Mumbai – 400 026, still in view of the previous consent terms between parties, Defendant No.4 would be entitled to retain one bedroom namely bedroom No.3 in the said flat premises. He would submit that in that view of the matter Defendant No.4 has put his lock on the door of bedroom No.3 in the flat and even though he has moved himself out of the said flat, he has retained possession of bedroom No.3 with him.

6. Defendant No.4 has all the time in the world after passing of the order dated 04.09.2018 to seek appropriate correction in the said order. What Mr. Kachare is arguing cannot be accepted by the Court.

It is nowhere mentioned in order passed on 04.09.2018 that Defendant No.4 would be entitled to retain bedroom No.3 as per the previous consent terms dated 29.01.2016.

7. The entire argument of Mr. Kachare is surreptitious and cannot be countenanced by the Court. It is infact an attempt to play fraud on the Court when the contents of paragraph No.5 are explicitly clear, unambiguous and are required to be complied with.

8. Both the learned Advocates inform the Court that directions in paragraph No.3 of the said order have been complied with. Once that is done, then paragraph No.5 requires compliance as it is stated.

9. In that view of the matter, there is no reason for Defendant No.4 to now argue and contend that he has moved out from the flat premises but is still entitled to retain bedroom No.3 therein.

10. In that view of the matter, Mr. Kachare would persuade the Court to give him some time to seek appropriate clarification to the directions contained in paragraph No.5 of the order of which contempt is alleged by the Petitioner.

11. Adhering to the request made by Mr. Kachare, Defendant No.4 is given two weeks time as a last chance to obtain appropriate clarification of the directions contained in paragraph No.5 of the order dated 04.09.2018. If such Application is not made within a period of

two weeks from today, needless to state that this Court will have to pass appropriate orders in the Contempt Petition for implementation of the order dated 04.09.2018 in accordance with law which shall be noted by Defendant No.4.

12. Stand over to **04th March 2026.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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