

K.S. Jadhav

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

**CONTEMPT PETITION (L) NO.4934 OF 2022
IN
INTERIM APPLICATION (L) NO.19494 OF 2021
IN
COMMERCIAL SUIT NO.190 OF 2021**

New Rising Sun Co-operative Housing Society Limited **...Petitioner/
Original Plaintiff**

Versus

K. Bhatia Realtors & Ors. **...Respondent No. 1/
Org. Defendant No. 1**

And

Omega Enterprises & Ors. **...Contemnor No.1/
Original Defendant No. 2**

Mr. Karan Dua i/b Bhandary and Bhandary, Advocate for Petitioner/
Plaintiff.

Mr. Kunal Bhanage i/b Akshay Pawar, Advocate for Defendant Nos.2
to 8.

CORAM : R.I. CHAGLA, J.

DATE : 27TH APRIL, 2023.

ORDER :

1. By order dated 20th January, 2023, this Court had issued
Contempt Notice to Respondent Nos. 2 to 8 / Contemnors under

Contempt of Courts Act, 1971 and had admitted the Contempt Petition. This after noting the several breaches having been committed by the Respondent Nos. 2 to 8 / Contemnors and their failure to satisfy the Court as to compliance with the prior orders by making payment of outstanding or temporary transit rent and future rent. The construction in question had been undertaken to be completed within eight months from the order dated 29th October, 2021 as directed in order dated 22nd November, 2021. This was only observed in the breach by Respondent No.2.

2. Mr. Bhanage, learned Counsel appearing for Respondent Nos. 2 to 8 / Contemnors has requested for one last chance to file Affidavit-in-reply to the Contempt Notice issued by this Court. He has stated on instructions that there will be payments in the month of May i.e. prior to the next date and it will be mentioned in the Affidavit-in-Reply to the Contempt Notice that there will be future payments made with regard to not only the outstanding rent, but also future rent and the time schedule for such payment. The statement is accepted.

3. The Affidavit-in-Reply shall be filed on or before 6th June, 2023.

4. The Contempt Petition shall be placed on 8th June, 2023 at 2.30 p.m. for hearing.

[R.I. CHAGLA J.]