

Sharayu Khot.

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

SUIT NO. 190 OF 2021

New Rising Sun Co-operative Housing
Society Limited

...Petitioner/org.
Plaintiff

Versus

K. Bhatia Realtors & Ors.

...Respondent No. 1/
Org.Defendant No. 1

And

Omega Enterprises & Ors.

...Contemnor No. 1/
Org.Defendant No. 2

Mr. Karan Dua i/by Bhandary & Bhandary for the Petitioner/Plaintiff.

Mr. Pratik Poojari i/by Mr. Pratik Amin for the Respondent No. 1.

Mr. Kunal Bhanage a/w Mr. Akshay Pawar for the Respondent Nos. 2
to 8.

CORAM : R.I. CHAGLA J

DATE : 11 October 2022

ORDER :

1. Heard learned Counsel for the parties.

2. Mr. Kunal Bhanage, learned Counsel for the Defendant No. 1 has sought time to file the Affidavit in Reply to the Contempt Petition.

3. Mr. Dua, learned Counsel appearing for the Petitioner/Plaintiff has vehemently opposed any further time being granted, in view of the contempt of the order dated 22nd November 2021 by which Defendant No. 2 had to pay the outstanding by the extended time i.e. within a period of one month from the date of the said order. He has submitted that till date not a single payment of the outstanding rent has been made and that the Defendant No. 2 is clearly in contempt of the said order.

4. Having accepted the request of Mr. Bhanage to file the Affidavit in Reply to the said Contempt Petition, it is made clear that the schedule of payment of outstanding rent as well as future rent shall be set out in the Affidavit to be filed by Defendant No. 2.

5. This is in view of the Order dated 22nd November 2021 having directed Defendant No. 2 to pay entire outstanding rent to the members of the Petitioner/Plaintiff within a period of nine months

from the date of the said order and there appears to be a clear breach of this order as no payment has been made by Defendant No.2. However, prior to issuing notice of contempt against the Defendants, Defendant No. 2 is given a last opportunity to satisfy this Court that they will comply with the said order both in terms of payment of the entire outstanding rent as well as future rent apart from the completion of the subject building.

6. Defendant No. 2 shall file Affidavit in Reply to the Contempt Petition on or before 18th October 2022.

7. Place the Contempt Petition on 19th October 2022, first on board.

[R.I. CHAGLA J.]