

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

CONTEMPT PETITION NO.3 OF 2022
IN
SUIT NO.2442 OF 2012

Atlanta Ltd.

Petitioner / Org.
.. Plaintiff

Versus

Samina Arif Khan & Anr.

Contemnors /
.. Respondents.

-
- Ms. Aparna Deokar i./by M. P. Vashi Associates, Advocates for Petitioner.
 - Mr. Manish Upadhye, AGP for Respondent No.2 – State of Maharashtra.
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 03, 2023

P.C.:

1. Heard Ms. Deokar, learned Advocate for Petitioner and Mr. Upadhye, learned AGP for Respondent No.2 – State of Maharashtra. None appears for the Contemnor / Respondent No.1.

2. At the outset, Ms. Deokar filed Affidavit-of-service dated 02.11.2023 of having effected service on the Contemnor / Respondent No.1. The said Affidavit is taken on record. It is seen that intimation of today's hearing has been given to the Contemnor / Respondent.

3. She has invited my attention to the Consent Minutes of Order dated 03.09.2019 at Exhibit-G, page No.58 of the Petition and more specifically paragraph Nos.3 and 4 thereof. I have perused the

same. Ms. Deokar would submit that the said order is breached by the Contemnor / Respondent No.1. That apart, she would submit that plot of land bearing CTS No.1108, the details of which are stated in paragraph No.4 of the Consent Minutes of Order is in fact an encumbered plot and Contemnor / Respondent No.1 is guilty of perjury as it is stated therein that without consent of Plaintiff i.e. Petitioner and order of this Court, Contemnor / Respondent No.1 would not encumber the said plot.

4. In support of her submission, Ms. Deokar has filed Additional Affidavit dated 26.10.2023 placing on record all such necessary and relevant details with respect to the subject plot bearing CTS No.1108 not being available as security for non payment of the decretal amount as stated in order dated 03.09.2019. I have also perused the additional Affidavit filed by Petitioner.

5. Record indicates that this is not the first instance when Contemnor / Respondent No.1 has been hauled up for willfully committing breach of the order of the Court. One such order is at Exhibit-F, page No.56 of the Contempt Petition dated 29.06.2017.

6. An arguable case has been made out by Ms. Deokar.

7. Hence, issue notice to Respondent No.1. Humdast is permitted. In addition to Court's notice, Petitioner / Plaintiff is permitted to serve Contemnor / Respondent No.1 by private notice

and file appropriate Affidavit-of-service of having effected service of copy of Petition and copy of service on or before the next adjourned date.

8. Respondents are directed to file their Affidavit-in-Reply on or before the next adjourned date.

9. Stand over to **01st December, 2023.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2023.11.03
17:58:22 +0530