

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
O.O.C.J.

**CONTEMPT PETITION NO. 37 OF 2013**  
IN  
**NOTICE OF MOTION NO. 2718 OF 2000**  
IN  
**SUIT NO. 3432 OF 1996**

Movin F. D'Souza .. Petitioner

**Versus**

Vivian daughter of Wilfred Fonseca and wife of  
Ravi Shetty and Ors. .. Respondents

- .....
- Mr. A. J. Almeida, Advocate for Petitioner
  - Mr. Abbas Zaidy i/by Zohair & Co., Advocate for Respondent No.1

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : APRIL 21, 2023**

**P. C. :**

**1.** Heard Mr. Almeida, learned Advocate for Petitioner and Mr. Zaidy, learned Advocate for Respondent No.1.

**2.** This is a Contempt Petition alleging contempt of order dated 03.10.2000 passed by this Court in Notice of Motion No. 2718 of 2000, *inter alia*, allowing prayer clauses (b) and (c) of the said Notice of Motion. Court Receiver came to be appointed and Court Receiver was directed to appoint from amongst the parties anyone as the agent on usual terms and conditions depending upon the highest bid received.

**3.** It is stated in the Contempt Petition that despite the above order

Respondent Nos. 1 to 8 have executed a registered deed of conveyance dated 08.08.2012 in favour of Respondent Nos. 11 to 13 subsequent thereto and have sold their share (alleged to be 53%) in the suit property. Mr. Almeida would submit that this is in the teeth of the order dated 03.10.2000. Mr. Zaidy would however submit that he needs to take appropriate instructions and file affidavit-in-reply to explain the position.

**4.** Record indicates that contempt is alleged against the Respondent Nos. 1 to 13. Respondent No.1 and Respondent No.10 are represented by Advocates. Respondent No.10 is not present today.

**5.** By order dated 28.08.2013 this Court was of the *prima facie* view that Respondent Nos. 1 to 8, 10 and 11 to 13 have committed willful disobedience of the order passed by this Court dated 03.10.2000 and followed by the order dated 08.10.2002 by executing deed of conveyance despite the suit property being custodia legis. Respondent Nos. 2 to 8, 10 and 11 to 13 are directed to remain present in this Court on the next date i.e. 5<sup>th</sup> June, 2023 at 10:30 a.m. considering that all Respondents have been served with by Bailiff's office as informed by Mr. Almeida. Affidavit-of-service to that effect shall be filed within one week from today.

**6.** It is clarified that if the above Respondents do not remain present

on the next date, this Court shall be constrained to pass appropriate order for issuingailable/nonailable warrant against the said Respondents to secure their presence in the present Contempt Petition.

**7. Stand over to 5<sup>th</sup> June, 2023.**

**[ MILIND N. JADHAV, J. ]**