

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

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

Movin F. D'souza

...Petitioner

V/s.

Viviana Ravi Shetty and Others

...Respondents

**WITH
CONTEMPT PETITION (LODGING) NO. 16657 OF 2023
IN
NOTICE OF MOTION NO. 2718 OF 2000
WITH
INTERIM APPLICATION (LODGING) NO. 21202 OF 2023
IN
CONTEMPT PETITION (LODGING) NO. 16657 OF 2023
WITH
COURT RECEIVER'S REPORT NO. 336 OF 2023
IN
CONTEMPT PETITION (LODGING) NO. 16657 OF 2023**

Mr. Atul Almeida with Mr. Vasant Dhawan for Petitioner.

Ms. Janhatee Joshi with Mr. Abboo Zaidy i/b Zohair and Co for the Petitioner in Contempt Petition (L) No. 16657 of 2023 and for the Respondent No. 1 on Contempt Petition No. 32 of 2013.

Mr. Naushad R. Engineer, Senior Advocate i/b Mr. Yajuvendra S. Singh for the Respondent No.1 in CP(L) 16657 of 2023 and for Respondent No. 10 in CP 37 of 2013.

Mr. Dushyant Purekar with Mr. Rajat Dedhia for the Respondent No.3.

Mr. D. S. Dubye for the Respondent No.4 in CPL 16657 of 2023.

Mr. Drupad Patil with Mr. Hemang R., Mr. Sunil Gangan and Mr. S. M. Seegarla i/b RMG Law Associates for the Respondent No.2 I CPL 16657 of 2023.

**CORAM : ABHAY AHUJA, J.
DATE : 28th JULY 2025**

PC. :

1. These two Contempt Petitions concern breaches /disobedience of the orders of this Court.

2. It has been submitted that the Contempt Petition No. 37 of 2013 concerns breaches / disobedience of orders dated 3rd October, 2000 and the Contempt Petition (L) No. 16657 of 2023 concerns breaches / disobedience of orders dated 3rd October, 2000 read with order dated 8th January, 2002 and 19th June, 2002.

3. Both the learned Counsel appearing for the Petitioners in the two Petitions submit that the agent of the Court Receiver has entered into Deed of Conveyance inspite of appointment of the Court Receiver without the leave of the Court.

4. Mr. Almeida, learned Counsel appearing for the Petitioner in the Contempt Petition No. 37 of 2013 submits that earlier notices have been issued under the Contempt of Courts Act, 1971 and the Contemnors have also been directed to remain present in the Court, however, none of the Contemnors are present in the Court today.

5. Ms. Joshi, learned Counsel appearing for the Petitioner in the Contempt Petition (L) No. 16657 of 2023 submits that no notice has been issued in her Petition.

6. Mr. Engineer, learned Senior counsel appearing for the Respondent No. 10 in the Contempt Petition No. 37 of 2013 and for the Respondent No. 1 in the Contempt Petition (L) No. 16657 of 2023 submits that some time be granted to take appropriate instructions and also undertakes to have the said Respondent remain present in the Court on the next date.

7. Learned Counsel appearing for the Respondents No. 2,3 and 4 in the Contempt Petition (L) No. 16657 of 2023 submit that although no notice has been issued in the Petition, however, replies have been filed.

8. Ms. Joshi, learned Counsel appears for the Petitioner submits that the Respondents No. 1 and 4 have filed reply and seeks some time to file rejoinder.

9. It is observed that none of the Respondents are present in the Contempt Petition No. 37 of 2013, although show cause notice has

been issued, although Mr. Engineer has submitted that he will get the Respondent he represents to remain present in the Court on the next date and although notice is not issued in the Contempt Petition (L) No. 16657 of 2023, this Court would expect that the said Respondents also remain present in the Court. Accordingly, this Court directs the Respondents in both the Contempt Petitions to remain present in the Court on the next date without fail.

10. Let replies, if not already filed, in either of the two Petitions, be filed within a period of two weeks with copy to others. Let rejoinder(s) be filed within a period of one week thereafter with copy to others.

11. List on **25th August, 2025 on the supplementary board.**

12. Mr. Almeida submits that since a third party rights have been created, breaching the orders of this Court, this Court may direct the illegal transferees to deposit royalty with the Court Receiver as they are in possession of the property. This Court will consider this further request by Mr. Almeida on the next date.

13. Let objections to the Contempt Petition (L) No. 16657 of 2023 and the Interim Application (L) No. 21202 of 2023 be removed and registered number be obtained by the next date.

(ABHAY AHUJA, J.)