

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

Versus

Viviana Shetty & Ors.

...Respondents

SHRIKANT
SHRINIVAS
MALANI

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SHRIKANT
SHRINIVAS MALANI
Date: 2024.03.19
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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 a/w Mr. Vasant Dhawan, for Petitioner in CP/37/2013.
- Mr. Y.S. Singh, for Respondent No.1. in CPL/16657/2023 and Respondent No. 10 in CP/37/2013.
- Mr. Drupad Patil a/w Mr. Shrikant S. and Mr. Swapnil Shikhare i/b RMG Law Associates, for Respondent No. 2 in CP/37/2013.
- Ms. Anamika Singh i/b S.K. Srivastav & Co., for Respondent Nos. 12 and 13 in CP/37/2013.
- Mr. Vishal Kanade a/w Mr. Abbas Zaidy i/b Zohair & Co., for Petitioner in CPL/16657/2023.
- Mr. David S. Dabre, for Respondent No.4 in CP/16657/2023.

CORAM : MANISH PITALE, J.

DATE : 18th MARCH, 2024.

P. C. :

INTERIM APPLICATION (LODGING) NO. 21202 OF 2023

1. In this application, apart from other prayers, the applicant has sought permission to amend the contempt petition in

terms of the draft amendment at Exhibit "D". By the proposed amendment, the petitioner desires to add parties to whom the subject property has been sold by respondent No.3.

2. Since the petitioner alleges that the initial transaction entered into between the respondent Nos. 1 and 2, as also all the subsequent transactions were in breach of specific order of this Court and undertakings given on behalf of respondent No.1 as agent of the Court Receiver, this Court is of the opinion that the proposed amendment deserves to be allowed and that notices can be issued to the respondents proposed to be added as per the draft amendment.

3. In view of the above, the prayer clause (a) is granted. The amendment be carried out within one week from today. Re-verification is dispensed with.

4. Upon the amendment being carried out, notice be issued to the newly added respondent Nos.5 to 12, returnable on **19th April, 2024.**

5. This Court will consider the other prayers made in the present application on the next date of listing. In the meanwhile, the learned counsel for the parties shall keep compilation of judgments ready.

(MANISH PITALE, J.)