

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

**CONTEMPT PETITION NO. 28 OF 2017**

**IN**

**SUIT NO. 2519 OF 2008**

Venus Habitat and another ... Petitioners

Versus

Pukhraj Pirchand Doshi and others ... Respondents

**WITH**

**CHAMBER SUMMONS NO. 1160 OF 2017**

Mr. Chirag Balsara alongwith Ms. Reshma Chitnis Potdar instructed by Chitnis Vaithy & Co. for the Petitioner.

Dr. Gita Kasture for Respondent No.1.

Mr. Pukhraj Pirchand Doshi, Defendant No.1, present.

**CORAM : S.J. KATHAWALLA, J.**

**DATED : 16<sup>th</sup> AUGUST, 2018**

**P.C.:**

1. Pursuant to the order passed by this Court, Mr. Pukhraj Pirchand Doshi is present in Court alongwith his Advocate. He has submitted a written Undertaking that he shall remain present in Court as and when called upon by the Court to do so. He has also submitted his personal particulars i.e. his residential address and his phone/cell numbers. His undertaking is accepted and the following order is passed :-

(a) Respondent No.1 - Pukhraj Pirchand Doshi shall file his Affidavit-in-reply to the Contempt Petition with a period of two weeks from today.

(b) The undertaking given by him that he will remain present before this Court as and when called upon, is accepted.

(c) Since the Non-Bailable Warrant issued against Mr. Pukhraj Pirchand Doshi has been executed, he is now not required to be detained any further.

(d) The statements of Mr. Pukhraj Doshi that he is not knowing Defendant No.5 and that he has never met him or spoken to him over the phone and that he has never attempted to sell the suit property at any point of time, and has not received any Pay Order from any person or Advocate towards earnest money/sale consideration qua the suit property, are accepted.

2. Mr. Balsara, Advocate for the Plaintiff submits that the statement made by Mr. Pukhraj Doshi does not appear to be correct. Mr. Balsara further submits that M/s. AshwiniKumar, Advocates and Solicitors had by their letter dated 13<sup>th</sup> October, 2016 (Exhibit 10 to the Petition) stated that permission to issue public notice to investigate their client's title would be granted only on the proposed purchasers showing their bonafide intention to enter into sale transaction by issuing Pay Orders towards earnest money. Pursuant thereto, four Pay Orders were issued. Three of the Pay Orders show that the same have been issued in favour of Respondent Nos.13, 15 and Respondent No.2A. It is submitted that there is an illegible copy of Pay Order No.001751 dated 20<sup>th</sup> December, 2016 by HDFC Bank Ltd. which appears to be in favour of Defendant No.1. In view of the aforesaid, HDFC Bank Ltd. shall inform the Court in whose favour and at whose instance, Demand Draft No.001751 dated 20<sup>th</sup> December, 2016 was issued by the Bank.

**( S.J.KATHAWALLA, J. )**